



The Journal OF THE *House of Representatives*

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Tuesday, March 6, 2012

The House was called to order by the Speaker at 10:00 a.m.

Prayer

The following prayer was offered by Pastor Pam Olsen of International House of Prayer of Tallahassee, upon invitation of the Speaker:

Dear Heavenly Father, I thank You for who You are and that You love us so much. And I thank You that we live in a nation that is still free to worship You and to pray to You. May we always have this freedom.

Your word commands us to pray for those in authority, and I am blessed today to stand on the floor of the House of Representatives of the great state of Florida and ask You to pour out Your spirit on each of our leaders. Keep Your hand on each of them, their spouses, and their children. Lead them today, guide them, and give them wisdom.

I thank you, Lord, for a righteous leader that You placed as Speaker of the House for such a time as this. Please keep Your hand on Speaker Dean Cannon, his wife Ellen, and their children. He has been a humble, servant leader—a strong, pro-life leader. Let this special day be a day that he senses Your presence upon him and Your favor in a special way. Bless him and his family mightily.

Our state motto is, 'In God We Trust.' Lord, may this truly become a reality in our state and nation. Turn our hearts back to You. Lord, it is known as the 'Sunshine State,' and I ask that Your sun shines brightly from Pensacola to Jacksonville to Miami and the Keys.

Thank You, Lord, for leaders from across the state, who in this final week of session, must hear from heaven, as they make decisions that affect this great state. Give them wisdom from above. Have Your way, O Righteous Lord, in this state. You know the sacrifices that each has made to be here as representatives. The long days and nights away from their families. I pray that You would refresh them today and fill them with joy. Let them laugh, even in the middle of heated debates. I pray that today, and the rest of this week, is filled with unusual peace, joy, and love. Wrap them, Lord, and their family, in a blanket of Your love.

Thank You, Lord, for leaders in this Chamber who uphold life, from the unborn to the elderly. May Florida be a state that proclaims life, liberty, and prosperity. Prosperity only follows when we honor You and do what is morally right. Help these men and women to make right and moral laws today.

Set Your seal of love upon these leaders. Father of Glory, may You give each leader the spirit of wisdom and revelation in the knowledge of You. May the eyes of Your understanding—of their understanding—be enlightened. Guide them throughout this day. O Lord, keep Your hand upon the members in the Senate, as well. Also, on our Governor, our Lieutenant Governor, and our Cabinet members, and Supreme Court justices, and all who are in

authority. Bless each of them today. I thank You, Lord, for hearing our prayers, and yes, for answering them. According to my Christian faith, I humbly pray this in Jesus' name, Amen.

The following members were recorded present:

Session Vote Sequence: 1095

Speaker Cannon in the Chair.

Abruzzo	Dorworth	Logan	Rouson
Adkins	Drake	Lopez-Cantera	Sands
Ahern	Eisnagle	Mayfield	Saunders
Albritton	Ford	McBurney	Schenck
Artiles	Fresen	McKeel	Schwartz
Aubuchon	Fullwood	Metz	Slosberg
Baxley	Gaetz	Moraitis	Smith
Bembry	Garcia	Nehr	Snyder
Berman	Gibbons	Nelson	Soto
Bernard	Glorioso	Nuñez	Stafford
Bileca	Gonzalez	O'Toole	Stargel
Boyd	Goodson	Oliva	Steube
Brandes	Grant	Pafford	Taylor
Brodeur	Grimsley	Passidomo	Thompson, G.
Broxson	Hager	Patronis	Thurston
Bullard	Harrell	Perman	Tobia
Burgin	Harrison	Perry	Trujillo
Caldwell	Holder	Pilon	Van Zant
Campbell	Hooper	Plakon	Waldman
Cannon	Horner	Porter	Watson
Chestnut	Hudson	Porth	Weatherford
Clarke-Reed	Hukill	Precourt	Weinstein
Clemens	Ingram	Proctor	Williams, A.
Coley	Jenne	Ray	Williams, T.
Corcoran	Jones	Reed	Wood
Costello	Julien	Rehwinkel Vasilinda	Workman
Crisafulli	Kiar	Renuart	Young
Cruz	Kreegel	Roberson, K.	
Davis	Kriseman	Rogers	
Diaz	Legg	Rooney	

(A list of excused members appears at the end of the *Journal*.)

A quorum was present.

Pledge

The members, led by the following, pledged allegiance to the Flag: Dean Cannon III of Winter Park at the invitation of the Speaker; Katherine Cannon of Winter Park at the invitation of the Speaker; and Sarah Cannon of Winter Park at the invitation of the Speaker.

THE SPEAKER PRO TEMPORE IN THE CHAIR

Introduction of Guests

The Speaker pro tempore introduced Governor Rick Scott.

Remarks

The Speaker pro tempore recognized Rep. Proctor for the following remarks.

Rep. Proctor: Thank you, Mr. Speaker. I think the leadership of Speaker Cannon has been marked by integrity, by a clear loyalty that runs up and down the chain of command, and that's unique in some leaders. It is a mark of his integrity, but it's a mark of his sense of humility and obligations of those he leads.

It has been my pleasure, privilege to serve under a number of leaders—some of them very outstanding. But none, I think, in any way surpassed the leadership that has been provided us by Speaker Cannon. We're greatly privileged to have served under. [applause]

The Speaker pro tempore recognized Rep. Snyder for the following remarks.

Rep. Snyder: Thank you, Mr. Speaker. Speaker Cannon, what a pleasure, you have such a beautiful family. I rarely talked about police experience here on the floor of the House. It comes up in committee some but, in 20 years on the streets of Dade County as a cop and 13 years after that in a sheriff's office, I've learned a couple of things. By culture, I think like a cop, I can't help it—I don't know if you noticed it or not. [laughter] One of the things that all cops know, especially city cops, is that you have to have good backup. And so, during the training process for a new cop, or when someone comes from another agency or transfers in, the first question that's always asked of the new person is, is he OK? And anyone who's been a cop, and I see Representative Pilon shaking his head, you know what that means—wrapped up in that question is, if I'm in a bar fight, if I'm in a chase, if I'm wrestling on the ground with someone, will that person come to my aid? And, so, when we asked that question, we're really asking more than do they feel well. We're asking, can I trust that person.

And, during a particularly difficult bill that I had last year, a lot was coming together and at one point I questioned whether, on a personal level, I'd be able to bring that info landing. And the Speaker knew I had some qualms about it and I got a call from him just a few days before an important piece of it was moving. And, the Speaker just quietly said, 'Will, I have your back.' That's all he said and that was it, that's all he had to say—in the end he did, you remember the conversation, Speaker. You did have my back. Everything worked out.

And, so, I'd say to the people that are here today, if anyone would ask me this question—after all my experience in following you and being a part of your administration here. If someone asked me the question, is Dean Cannon OK? My answer would simply be, yes, Dean Cannon is OK. [applause]

The Speaker pro tempore recognized Rep. Saunders for the following remarks.

Rep. Saunders: Thank you, Mr. Speaker. It may surprise some of you to know that Speaker Cannon and I share a quite a few things in common. One is, we're both born in a foreign country. He was born in Germany on an air force base and I was born in the Conch Republic, otherwise known as the Florida Keys. [laughter] But we are both Gators. We went to undergrad at the University of Florida. We both graduated from Florida law school. We, both, were student body leaders and we, both, served in Florida Blue Key. Speaking of Blue Key, that's when I first met Speaker Cannon. It was 20 years ago, I was in the legislature at the time and I spoke to Florida Blue Key Day and this young guy came up to me and introduced himself as the student

body president. And, I told him, I think you have a bright future, Mr. Cannon, and I think he's fulfilled that prediction. I think he's had a great future.

As far as the legislature goes, I do think we also share one thing in common and that's we both love the Florida House. We respect the procedures. We respect decorum and I think that's one thing that we've seen in your Speakership as you started the House on the time. He's made promises and he's kept them. And, really, as the Minority party, all we can hope for is that you keep your promise and that you're fair. And, I think the fairness has been reflective, not just in the Speaker, but in some of his leadership team. In particular, I want to point out Rule Chairman Aubuchon and Appropriations Chair Grimsley have been very cordial to the Minority party. They worked with us very well. And, so, with that let me say, Speaker Cannon, to you, good luck, Godspeed, and go Gators. [applause]

The Speaker pro tempore recognized Rep. Aubuchon for the following remarks.

Rep. Aubuchon: Thank you, Mr. Speaker. Indeed, it is a tremendous honor to stand before you, once again, and extol the virtues of my friend and mentor, Dean Cannon. Speaker, your legacy in the House will be characterized in history as an era of principled leadership and brilliant effectiveness. In the six years we have served together, here are a few of my observations about you. Your intellect is formidable, you have a keen analytical decisiveness and, when you combine those two things together, it means you possess the rare gift of being both deliberative and decisive. You process significant information quickly with great understanding and clarity. You have a tremendous capacity to handle everything that comes your way with a quiet and calm demeanor. You care deeply about the integrity of this institution and you will not be remembered as presiding over this chamber with a super majority held by our party, but rather for your even handedness and the straight up manner in which you conduct the business of the Florida House. As Speaker, you are consistent and predictable—no surprises leadership has earned you the respect of the entire House. You bring honor and integrity to the process which has produced superior outcomes for our state.

Members, in these hallowed halls our time is brief, but the impact of a single person can last a lifetime. And, so, Speaker, it is only fitting that this portrait will serve as a reminder of your incredible legacy in this House for the next 100 years. It has been my honor to have served with you. Congratulations. [applause]

Unveiling of the Speaker's Portrait

At the request of the Speaker pro tempore, Speaker Cannon and his family approached the well where his portrait was unveiled.

Presentation of Members' Gift to the Speaker

Speaker pro tempore: Mr. Speaker, you know it's been a tradition in the Florida House for members of both parties to contribute and to give a small token of our appreciation for the sacrifice and the many, many, many hours that I know that you spent away from your home, your wife, your family. The sacrifices that we'll never know that you've given on our behalf to make this Chamber run smooth, to make this body deliberative, and on behalf of the members of the Florida House of Representatives, we'd like to give you a small token of our appreciation. [applause]

Following the Presentation of the Members' Gift to the Speaker, Sergeant at Arms staff members hung the Speaker's portrait in the Chamber.

Remarks of the Speaker

Speaker Cannon: I am not usually at a loss for words, but I almost am. It's a good thing I wrote out some remarks or I would be at this point. First, I want to thank those of you who spoke this morning for those extraordinarily kind words of which I am not worthy. I'm very grateful for each one of you,

for all of you. I will confess, it is sort of a surreal moment to see a framed portrait of yourself. I usually think of portraits of being deceased people from antiquity, so it's kind of sobering. [laughter] A little sobering to see an unmistakable symbol of the fact that my time in the House has come to an end. And I'm overwhelmed by the gift, which was both kind, generous, and perfect. Representative Waldman, no duels, I promise. And, I promise to put it to good use. And mom, I promise not to shoot my eye out with it, [laughter] as you always admonished me when I was a boy.

I'm scheduled to make my formal farewell remarks on Thursday, but with your indulgence I wanted to say a few thank yous. Predominantly, today is entirely about saying thank you. I think the first thank you belongs where it always belongs, which is with God. I am living proof of God's grace, mercy, and love for flawed and unworthy people, and it is only with his help and grace that I've been able to achieve anything in this life. To my wife, Ellen, and to my children, Dean, Katherine, and Sarah, thank you for loving me so much that you let me disturb, disrupt, and inconvenience your lives in every way imaginable. For putting up with the missed nights and weekends and for forgiving me, all the things that I've forgotten to do and probably worse for all the things that I should have remembered to say, but I love you. I love you all and I cannot wait to be done and be home.

To my parents, Ginger and Roy Cannon, for supporting me in every risk, every success, and every failure, and all the while loving me and supporting me unconditionally. To my brother, Sterling, who is watching, for allowing me to be who I am without expectation or judgment and for spending countless hours helping me deal with every challenge, big and small. To my mother and father-in-law, Kathy and Charles Freedly, for always giving more than Ellen or I have any right to ask of you and for always doing so with grace and good humor. And, to my friends who are here today and a few of you who could not be here today, for keeping me sane, through the simple act of not treating me any differently after I became Speaker than before, and for promising to treat me that way afterwards.

To the people of Winter Park, Orlando, and Orange County, for the privilege to represent District 35 and to my team back home. Every employee, every volunteer from the first campaign walks, Don and Vicky, but especially to three ladies who are here today, Aretha Collins, Kathy Gillen, and Julie Fess, for always, always, having my back and for not letting me take anything for granted and do the job that I was sent here to do.

The members of my class, Denise, Carlos, John, Dorothy, Bill, Rich, Trudi, Paige, Ari, and Franklin, for finishing this journey with me and for our time together. For the other members of our class, all of whom taught me something while they were here and who have taught me things after they've left. Jennifer, Ellen, Anitere, Allen, Trey, Mike, Everett, Priscilla, and our still much missed colleague David Coley, thank you all for what you've taught me.

The team at House campaigns, from the guys who made sure I arrived at my next appointment only slightly late, to the guys who masterminded the whole elections process, for your ability to overcome every obstacle, including the obstacles of my own creation. Without losing focus on the ultimate goal and for delivering record breaking success on time and under budget.

The former Speakers Ralph Haben, James Harold Thompson, John Thrasher, and my mentor, Dan Webster, for being so willing to share your experience, your wisdom, your friendship, and your advice. And to my Speakers, Allen Bense, Marco Rubio, Larry Cretul—for showing me that there is no one right way to be Speaker and that the path to success lies not in mimicking the achievements of others, but in finding your own voice and your own style while learning the lessons that they teach you.

To the governors with whom I've served—Jeb Bush for showing me what a leader could be, Charlie Christ for showing me what a politician should not be, and Rick Scott for showing me that sometimes against the odds the best, right person ends up exactly where he was meant to be.

The staff of the Florida House of Representatives, the committee and office staff directors, and to the Speaker's Office, for your loyalty and commitment to professionalism and excellence, that commitment is unmatched in Tallahassee. But, most of all, for your unhesitating commitment for always telling me the truth even when you knew that the truth was the very last thing I wanted to hear.

And, to my leadership team for, well, just about everything. Back when we sat in a room together for the first time, Tallahassee conventional wisdom said we'd be spending our two years playing catch up, but together we changed the rules of the game and redefined what was possible for the House of Representatives to achieve. And, I am without words, and I tried to adequately express how much your friendship, and your support, and your personal sacrifices have meant and will mean to me for the rest of my life.

To those of you who come after me in this chair, first to Chris and Richard, for giving me optimism about the future. Especially to Will for helping me achieve one of my main goals which was to leave in the institutions of a good man who will be able to accomplish great things, even greater than we were able to accomplish, and a man who I am proud to call my friend and, who is soon to be a private citizen of the state, I'll be proud to call my Speaker.

And finally, to all of you. Every one of the members, for allowing me to serve as the leader of this extraordinary institution. I know that I have not always told you what you wanted to hear, nor have I done what you always wanted me to do, but I have tried, each and every day of my Speakership, to conduct this process with fairness, with integrity, and with clarity. And, I've done my very best to create an environment where you can stand up with pride from any district and any party and say, I'm proud to be a member of the Florida House. I hope I've succeeded—and for even giving me the chance to try, I want to say to you, to everyone I've mentioned and to so many others of you that I did not have time to specifically mention, thank you, thank you, thank you.

Today, I feel a sense of gratitude, again beyond my capacity to adequately express it. I am deeply humbled by the thought that so many people have given so much for so long to allow me stand up here. It is more than any one man deserves and I will carry my memories of this experience with me until the end of my days. Thank you and may God bless all of you and may he continue to watch over this House in all the years to come.

Reports of Standing Committees and Subcommittees

Reports of the Rules & Calendar Committee

The Honorable Dean Cannon
Speaker, House of Representatives

March 5, 2012

Dear Mr. Speaker:

Your Rules & Calendar Committee herewith submits the Special Order for Tuesday, March 06, 2012. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

I. Consideration of the following bills:

SB 2058 - Rules
Office of Legislative Services

SB 368 - Gaetz
Financial Emergencies

HB 7031 - Economic Affairs Committee, Hukill
Financial Emergencies

SB 638 - Hays
Florida Motor Vehicle Theft Prevention Authority

HB 4073 - Young, Campbell
Florida Motor Vehicle Theft Prevention Authority

SB 436 - Storms, Gardiner, & others
Video Voyeurism

HB 215 - Young, Julien, & others
Video Voyeurism

CS/SB 186 - Judiciary, Ring, & others
Misdemeanor Pretrial Substance Abuse Programs

CS/HB 183 - Criminal Justice Subcommittee, Moraitis, & others
Misdemeanor Pretrial Substance Abuse Programs

SB 570 - Ring
Public Records/Donor Identity/Publicly Owned Performing Arts Center

HB 351 - Moraitis, Williams, T.
Public Records

SB 1724 - Alexander
Mosquito Control Districts

HB 4029 - Albritton
Mosquito Control Districts

SB 140 - Bennett
Repeal of a Workers' Compensation Reporting Requirement

HB 4019 - Nelson
Repeal of Workers' Compensation Reporting Requirement

SB 446 - Children, Families, and Elder Affairs
OGSR/Insurance Claim Data Exchange Information/Past Due Child Support

HB 7019 - Government Operations Subcommittee, Logan
OGSR/Insurance Claim Data Exchange Information

SB 878 - Benacquisto
Florida College System Personnel Records

CS/HB 1465 - K-20 Innovation Subcommittee, Caldwell
Florida College System Personnel Records

SB 374 - Detert
Public Records/Donor Information/Florida Historic Capitol/Legislative Research Center and Museum

HB 539 - Frishe
Pub. Rec./Florida Historic Capitol and Legislative Research Center and Museum

CS/SB 1856 - Health Regulation, Flores
Public Records and Public Meetings/Peer Review Panels/Biomedical Research Grants

CS/CS/HB 657 - Health & Human Services Committee, Health & Human Services Access Subcommittee, & others
Pub. Rec./Biomedical Research

SB 276 - Sachs, Evers, & others
Recognition of Military Personnel and Veterans

CS/HB 469 - State Affairs Committee, Smith, & others
Recognition of Military Personnel and Veterans

SB 326 - Bullard
State Symbols/State Flagship

HB 395 - Broxson, Patronis
Official State Designations

CS/SB 116 - Rules Subcommittee on Ethics and Elections, Wise, & others
Freeholder Voting

CS/HB 75 - Government Operations Subcommittee, Davis, & others
Freeholder Voting

CS/SB 1050 - Banking and Insurance, Bogdanoff
Fiduciaries

II. Consideration of the following bills:

SB 792 - Gaetz, Rich, & others
Financial Institutions

CS/HB 613 - Insurance & Banking Subcommittee, Bernard, & others
Financial Institutions

SB 520 - Braynon
Veteran's Guardianship

HB 4049 - Bernard
Veteran's Guardianship

SB 278 - Sachs, Hays, & others
Preventing Deaths from Drug-related Overdoses

HB 125 - Bernard, Campbell, & others
Preventing Deaths from Drug-related Overdoses

CS/SB 226 - Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, Margolis, & others
Disabled Parking Permits

CS/HB 27 - Transportation & Highway Safety Subcommittee, Julien, & others
Disabled Parking Permits

SB 990 - Joyner, Lynn
Natural Guardians

HB 851 - Schwartz
Natural Guardians

SB 608 - Flores
Florida Healthy Kids Corporation

HB 519 - Berman, Campbell, & others
Florida Healthy Kids Corporation

CS/SB 924 - Environmental Preservation and Conservation, Simmons, & others
Special Observances

HB 1105 - Perman, Berman, & others
Special Observances

CS/CS/CS/SB 268 - Environmental Preservation and Conservation, Commerce and Tourism, & others
Sponsorship of State Greenways and Trails

CS/CS/HB 181 - Appropriations Committee, Agriculture & Natural Resources Subcommittee, & others
Sponsorship of State Greenways and Trails

III. Consideration of the following bills:

- CS/CS/CS/SB 694 - Budget Subcommittee on Health and Human Services Appropriations, Health Regulation, & others Adult Day Care Centers
- CS/CS/HB 529 - Health & Human Services Committee, Health & Human Services Access Subcommittee, & others Adult Day Care Centers
- CS/CS/SB 922 - Criminal Justice, Military Affairs, Space, and Domestic Security, & others Current and Former Military Personnel
- CS/CS/HB 977 - Appropriations Committee, Economic Affairs Committee, & others Military Support
- CS/SB 364 - Health Regulation, Gaetz Blood Establishments
- CS/CS/HB 475 - Health & Human Services Committee, Community & Military Affairs Subcommittee, & others Blood Establishments
- CS/SB 730 - Health Regulation, Flores, & others Medicaid Managed Care Plans
- CS/HB 727 - Health & Human Services Committee, Ingram Medicaid Managed Care
- CS/SB 800 - Budget Subcommittee on Finance and Tax, Negron County Boundary Lines
- CS/CS/HB 1319 - Finance & Tax Committee, Community & Military Affairs Subcommittee, & others County Boundary Lines
- SB 524 - Joyner, Bullard Restraint of Incarcerated Pregnant Women
- CS/CS/HB 367 - Judiciary Committee, Criminal Justice Subcommittee, & others Restraint of Incarcerated Pregnant Women
- CS/SB 692 - Community Affairs, Bennett Local Government
- HB 7001 - Community & Military Affairs Subcommittee, Diaz Formation of Local Governments

A quorum was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,
Gary Aubuchon, Chair
 Rules & Calendar Committee

On motion by Rep. Aubuchon, the above report was adopted.

Bills and Joint Resolutions on Third Reading

CS/CS/HB 565—A bill to be entitled An act relating to family law; amending s. 61.075, F.S.; redefining the term "marital assets and liabilities" to include the value of the marital portion of the passive appreciation of nonmarital real property; authorizing a court to require security and the payment of a reasonable rate of interest if installment payments are required for the distribution of marital assets and liabilities; requiring the court to provide written findings regarding any installment payments; creating s.

61.0765, F.S.; providing formulas for the calculation of the value of the marital portion of nonmarital real property subject to equitable distribution; requiring the court in the dissolution action to use the formulas unless sufficient evidence is presented showing that the application of the formulas is not equitable; amending s. 61.08, F.S.; revising requirements relating to the awarding of durational alimony; requiring a court to make certain written findings concerning awards of durational alimony; requiring written findings regarding the incomes and standard of living of the parties after dissolution of marriage; amending s. 61.14, F.S.; revising provisions relating to the effect of a supportive relationship on an award of alimony; authorizing a court to award an obligor attorney fees and costs under certain circumstances; requiring a court to impute income to the obligee based on the analysis and factors set forth in specified provisions; amending s. 61.19, F.S.; prohibiting the separate adjudication of issues in a dissolution of marriage case within 180 days after filing unless a court finds that there are exceptional circumstances; authorizing the separate adjudication of issues in a dissolution of marriage case if the case is more than 180 days past filing; requiring the separate adjudication of issues of a dissolution of marriage case, absent a showing of irreparable harm, if the case is more than 365 days past filing; providing an effective date.

—was read the third time by title.

Representative Porter offered the following:

(Amendment Bar Code: 471359)

Amendment 2 (with title amendment)—Remove lines 133-242 and insert:

Section 3. Subsections (1), (2), (3), (4), (7), (8), and (9) of section 61.08, Florida Statutes, are amended to read:

61.08 Alimony.—

(1) In a proceeding for dissolution of marriage, the court may grant alimony to either party, which alimony may be bridge-the-gap, rehabilitative, durational, or long-term permanent in nature or any combination of these forms of alimony. In any award of alimony, the court may order periodic payments or payments in lump sum or both. The court may consider the adultery of either spouse and the circumstances thereof in determining the amount of alimony, if any, to be awarded. In all dissolution actions, the court shall include findings of fact relative to the factors enumerated in subsection (2) supporting an award or denial of alimony. The court shall make written findings regarding the basis for awarding combinations of alimony, including the basis for the types and lengths of each award.

(2) In determining whether to award alimony or maintenance, the court shall first make, in writing, a specific factual determination as to whether either party has an actual need for alimony or maintenance and whether either party has the ability to pay alimony or maintenance. If the court finds that a party has a need for alimony or maintenance and that the other party has the ability to pay alimony or maintenance, then in determining the proper type and amount of alimony or maintenance under subsections (5)-(8), the court shall consider and make written findings regarding all relevant factors, including, but not limited to:

- (a) The standard of living established during the marriage.
- (b) The duration of the marriage.
- (c) The age and the physical and emotional condition of each party.
- (d) The financial resources of each party, including the nonmarital and the marital assets and liabilities distributed to each.
- (e) The earning capacities, educational levels, vocational skills, and employability of the parties and, when applicable, the time necessary for either party to acquire sufficient education or training to enable such party to find appropriate employment.
- (f) The contribution of each party to the marriage, including, but not limited to, services rendered in homemaking, child care, education, and career building of the other party.
- (g) The responsibilities each party will have with regard to any minor children they have in common.

(h) The tax treatment and consequences to both parties of any alimony award, including the designation of all or a portion of the payment as a nontaxable, nondeductible payment.

(i) All sources of income available to either party, including income available to either party through investments of any asset held by that party.

(j) The net income and standard of living available to each party after the application of the alimony award. There shall be a rebuttable presumption that both parties will necessarily have a lower standard of living after the dissolution of marriage as compared to the standard of living they enjoyed during the marriage.

(k) Any other factor necessary to do equity and justice between the parties, if that factor is specifically identified in the award with findings of fact justifying the application of the factor.

(3) To the extent necessary to protect an award of alimony, the court may order any party who is ordered to pay alimony to purchase or maintain a life insurance policy or a bond, or to otherwise secure such alimony award with any other assets which may be suitable for that purpose in an amount adequate to secure the alimony award. Any such security may only be awarded upon a showing of special circumstances. If the court finds special circumstances and awards such security, the court must make specific evidentiary findings regarding the availability, cost, and financial impact on the obligated party. Any security may be modifiable in the event the underlying alimony award is modified and may be reduced in an amount commensurate with any reduction in the alimony award.

(4) For purposes of determining alimony, ~~there is a rebuttable presumption that a short-term marriage is a marriage having a duration equal to or less than 7 years, a moderate-term marriage is a marriage having a duration of greater than 7 years but less than 17 years, and long-term marriage is a marriage having a duration of 17 years or greater. The length of a marriage is the period of time from the date of marriage until the date of filing of an action for dissolution of marriage. If the parties have been married to each other more than once, the court may, for purposes of determining alimony, add the years of the marriages together to determine the duration of the marriage.~~

(7) Durational alimony may be awarded when long-term permanent periodic alimony is inappropriate. The purpose of durational alimony is to provide a party with economic assistance for a set period of time following a marriage of short or moderate duration or following a marriage of long duration if there is no ongoing need for support on a long-term permanent basis. An award of durational alimony terminates upon the death of either party or upon the remarriage of the party receiving alimony. The amount of an award of durational alimony may be modified or terminated based upon a substantial change in circumstances in accordance with s. 61.14. ~~However, The length of an award of durational alimony may not be modified except under exceptional circumstances and may not exceed the length of the marriage. If the court awards durational alimony for a length of time greater than 50 percent of the length of the marriage, the court must make written findings stating the circumstances warranting the length of the award.~~

(8) Long-term Permanent alimony may be awarded to provide for the needs and necessities of life as they were established during the marriage of the parties for a party who lacks the financial ability to meet his or her needs and necessities of life following a dissolution of marriage. Long-term Permanent alimony may be awarded following a marriage of long duration if such an award is appropriate upon consideration of the factors set forth in subsection (2), following a marriage of moderate duration if such an award is appropriate based upon clear and convincing evidence after consideration of the factors set forth in subsection (2), or following a marriage of short duration if there are written findings of exceptional circumstances. In awarding long-term permanent alimony, the court shall include a finding that no other form of alimony is fair and reasonable under the circumstances of the parties. An award of long-term permanent alimony terminates upon the death of either party or upon the remarriage of the party receiving alimony. An award may be modified or terminated based upon a substantial change in circumstances or upon the existence of a supportive relationship in accordance with s. 61.14.

(9) ~~Notwithstanding any other law to the contrary, an award of alimony may not leave the payor with significantly less net income than the net income of the recipient unless there are written findings of exceptional~~

circumstances. The court shall make written findings regarding the relative incomes of the parties.

Section 4. Paragraph (b) of subsection (1) of section 61.14, Florida Statutes, is amended, and subsections (12) and (13) are added to that section, to read:

61.14 Enforcement and modification of support, maintenance, or alimony agreements or orders.—

(1)

(b)1. The court may reduce or terminate an award of alimony upon specific written findings by the court that since the granting of a divorce and the award of alimony a supportive relationship has existed between the obligee and a person with whom the obligee resides. On the issue of whether alimony should be reduced or terminated under this paragraph, the burden is on the obligor to prove by a preponderance of the evidence that a supportive relationship exists.

2. In determining whether an existing award of alimony should be reduced or terminated because of an alleged supportive relationship between an obligee and a person who is not related by consanguinity or affinity and with whom the obligee resides, the court shall elicit the nature and extent of the relationship in question. The court shall give consideration, without limitation, to circumstances, including, but not limited to, the following, in determining the relationship of an obligee to another person:

a. The extent to which the obligee and the other person have held themselves out as a married couple by engaging in conduct such as using the same last name, using a common mailing address, referring to each other in terms such as "my husband" or "my wife," or otherwise conducting themselves in a manner that evidences a permanent supportive relationship.

b. The period of time that the obligee has resided with the other person in a permanent place of abode.

c. The extent to which the obligee and the other person have pooled their assets or income or otherwise exhibited financial interdependence.

d. The extent to which the obligee or the other person has supported the other, in whole or in part.

e. The extent to which the obligee or the other person has performed valuable services for the other.

f. The extent to which the obligee or the other person has performed valuable services for the other's company or employer.

g. Whether the obligee and the other person have worked together to create or enhance anything of value.

h. Whether the obligee and the other person have jointly contributed to the purchase of any real or personal property.

i. Evidence in support of a claim that the obligee and the other person have an express agreement regarding property sharing or support.

j. Evidence in support of a claim that the obligee and the other person have an implied agreement regarding property sharing or support.

k. Whether the obligee and the other person have provided support to the children of one another, regardless of any legal duty to do so.

3. This paragraph does not abrogate the requirement that every marriage in this state be solemnized under a license, does not recognize a common law marriage as valid, and does not recognize a de facto marriage. This paragraph recognizes only that relationships do exist that provide economic support equivalent to a marriage and that alimony terminable on remarriage may be reduced or terminated upon the establishment of equivalent equitable circumstances as described in this paragraph. The existence of a conjugal relationship, though it may be relevant to the nature and extent of the relationship, is not necessary for the application of the provisions of this paragraph.

4. In any action for modification or termination of alimony, the court may retroactively modify or terminate the alimony award to the date of the filing of the petition. In an action under this section, if it is determined that a party unnecessarily or unreasonably litigated the underlying petition for modification or termination, the court shall award the other party his or her reasonable attorney fees and costs.

5. A court terminating an alimony award based on the existence of a supportive relationship may not reserve jurisdiction to later reinstate alimony.

(12) The fact that an obligor has reached a reasonable retirement age for his or her profession, has retired, and has no intent to return to work shall be

considered a substantial change in circumstances as a matter of law. In determining whether the obligor's retirement age is reasonable, the court shall consider the obligor's age, health, motivation for retirement, type of work, and the normal retirement age for that type of work.

(13) Except in cases of long-term marriages, in any alimony award, the court shall impute income to the obligee based on the analysis and factors set forth in s. 61.30(2)(b).

Section 5. Subsection (1) of section 61.18, Florida Statutes, is amended to read:

61.18 Alimony and child support; default in undertaking of bond posted to ensure payment.—

(1) ~~If when~~ there is a breach of the condition of any bond posted to ensure the payment of alimony or child support to ~~either temporary or permanent~~, for a party or for minor children of the parties, the court in which the order was issued may order payment to the party entitled thereto of the principal of the bond or the part thereof necessary to cure the existing default without further notice from time to time where the amount is liquidated.

TITLE AMENDMENT

Remove lines 21-30 and insert:

durational alimony; changing the term "permanent alimony" to "long-term alimony"; requiring written findings regarding the incomes of the parties after dissolution of marriage; crating a rebuttable presumption concerning the standard of living after dissolution of marriage; revising provisions relating to security of alimony awards; providing for calculation of duration of marriages of parties married to each other more than once; requiring written findings for certain awards of durational alimony; amending s. 61.14, F.S.; revising provisions relating to the effect of a supportive relationship on an award of alimony; authorizing a court to award an obligor attorney fees and costs under certain circumstances; providing that the fact that an obligor has reached a reasonable retirement age for his or her profession, has retired, and has no intent to return to work is a substantial change in circumstances as a matter of law; requiring a court to impute income to the obligee based on the analysis and factors set forth in specified provisions; amending s. 61.18, F.S.; conforming provisions to changes made by act; amending s. 61.19, F.S.;

Rep. Porter moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of **CS/CS/HB 565**. The vote was:

Session Vote Sequence: 1096

Speaker Cannon in the Chair.

Yeas—82

Adkins	Drake	Logan	Rehwinkel Vasilinda
Ahern	Eisnaugle	Lopez-Cantera	Renuart
Albritton	Ford	Mayfield	Roberson, K.
Artiles	Fresen	McBurney	Rooney
Aubuchon	Gaetz	McKeel	Schenck
Baxley	Glorioso	Metz	Smith
Bileca	Gonzalez	Moraitis	Snyder
Boyd	Goodson	Nehr	Soto
Brandes	Grant	Nelson	Stargel
Brodeur	Grimsley	Nuñez	Steube
Broxson	Hager	O'Toole	Tobia
Burgin	Harrell	Oliva	Trujillo
Caldwell	Harrison	Passidomo	Van Zant
Cannon	Holder	Patronis	Weatherford
Coley	Hooper	Perry	Weinstein
Corcoran	Horner	Pilon	Williams, T.
Costello	Hudson	Plakon	Wood
Crisafulli	Ingram	Porter	Workman
Davis	Julien	Precourt	Young
Diaz	Kreegel	Proctor	
Dorworth	Legg	Ray	

Nays—35

Abruzzo	Cruz	Pafford	Slosberg
Bembry	Fullwood	Perman	Stafford
Berman	Garcia	Porth	Taylor
Bernard	Gibbons	Reed	Thompson, G.
Bullard	Hukill	Rogers	Thurston
Campbell	Jenne	Rouson	Waldman
Chestnut	Jones	Sands	Watson
Clarke-Reed	Kiar	Saunders	Williams, A.
Clemens	Kriseman	Schwartz	

Votes after roll call:

Yeas to Nays—Dorworth, Rehwinkel Vasilinda

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

Consideration of **CS/CS/HB 859** was temporarily postponed.

CS/CS/HB 7063—A bill to be entitled An act relating to digital learning; amending s. 1002.20, F.S.; providing student and parent rights relating to the eligibility of Florida Virtual School full-time students to participate in interscholastic extracurricular activities at certain public schools; amending s. 1002.321, F.S.; revising provisions relating to virtual instruction through blended learning courses; prohibiting any person from taking an online course or examination on behalf of another person for compensation; providing a penalty; amending s. 1002.37, F.S.; providing that the Florida Virtual School may provide part-time instruction for students in kindergarten through grade 12; providing student eligibility requirements for part-time instruction in kindergarten through grade 5; deleting a requirement that an elementary school principal provide certain notification to parents; revising the location where statewide assessments must be taken; amending s. 1002.45, F.S.; revising provisions relating to school district options for providing full-time and part-time virtual instruction programs and the open enrollment period for participation; providing that a part-time virtual instruction program offers instruction for students enrolled in kindergarten through grade 12 courses; requiring an additional qualification for a virtual instruction program provider to obtain Department of Education approval; conforming funding provisions to changes made by the act; amending s. 1002.455, F.S.; revising provisions relating to eligibility requirements for virtual instruction and virtual instruction options; amending s. 1003.428, F.S.; placing restrictions on the online course requirement for high school graduation; amending s. 1003.498, F.S.; providing requirements for blended learning courses; amending s. 1003.57, F.S.; providing responsibilities and requirements for the enrollment of exceptional students in a full-time virtual instruction program; amending s. 1006.15, F.S.; providing conditions for eligibility for a Florida Virtual School full-time student and certain students who transfer to or from the Florida Virtual School to participate in interscholastic extracurricular activities; amending s. 1011.61, F.S.; revising and conforming provisions relating to the definition of a full-time equivalent student in full-time and part-time virtual instruction programs; amending s. 1011.62, F.S.; correcting and conforming cross-references; providing that full-time virtual instruction programs are eligible to report student membership in the ESOL program for funding purposes; providing an effective date.

—was read the third time by title.

THE SPEAKER PRO TEMPORE IN THE CHAIR

The question recurred on the passage of **CS/CS/HB 7063**. The vote was:

Session Vote Sequence: 1097

Representative Legg in the Chair.

Yeas—100

Adkins	Artiles	Bembry	Bileca
Ahern	Aubuchon	Berman	Boyd
Albritton	Baxley	Bernard	Brandes

Brodeur	Goodson	Metz	Rogers
Broxson	Grant	Moraitis	Rooney
Burgin	Grimsley	Nehr	Rouson
Caldwell	Hager	Nelson	Sands
Cannon	Harrell	Núñez	Saunders
Clemens	Harrison	O'Toole	Schenck
Coley	Holder	Oliva	Slosberg
Corcoran	Hooper	Passidomo	Smith
Costello	Horner	Patronis	Snyder
Crisafulli	Hudson	Perman	Soto
Davis	Hukill	Perry	Stargel
Diaz	Ingram	Pilon	Steube
Dorworth	Jenne	Plakon	Tobia
Drake	Julien	Porter	Trujillo
Eisnagle	Kiar	Porth	Van Zant
Ford	Kreegel	Precourt	Waldman
Fresen	Legg	Proctor	Weatherford
Gaetz	Logan	Ray	Weinstein
Garcia	Lopez-Cantera	Reed	Williams, T.
Gibbons	Mayfield	Rehwinkel	Wood
Glorioso	McBurney	Renuart	Workman
Gonzalez	McKeel	Roberson, K.	Young

Nays—16

Abruzzo	Clarke-Reed	Kriseman	Taylor
Bullard	Cruz	Pafford	Thompson, G.
Campbell	Fullwood	Schwartz	Thurston
Chestnut	Jones	Stafford	Watson

Votes after roll call:

Yeas—Williams, A.

Nays to Yeas—Campbell

So the bill passed and was immediately certified to the Senate.

Special Orders

SB 2058—A bill to be entitled An act relating to the Office of Legislative Services; amending ss. 11.045, 11.0455, and 112.3148, F.S.; providing for duties related to the registration and reporting of legislative lobbyists to be conducted by the office rather than the Division of Legislative Information Services within the office; amending s. 11.242, F.S.; requiring that certain content relating to the published edition of the Florida Statutes be determined by the office rather than by the Division of Statutory Revision within the office; amending s. 119.15, F.S.; requiring that the office, rather than the Division of Statutory Revision, certify to the Legislature public records and public meetings exemptions that are scheduled for repeal; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

SB 368—A bill to be entitled An act relating to financial emergencies; amending s. 218.39, F.S.; requiring the Auditor General to notify each member of the governing body of a local governmental entity, district school board, charter school, or charter technical career center of certain fund balance deficits; amending s. 218.503, F.S.; removing a condition under which local governmental entities, charter schools, charter technical career centers, and district school boards are subject to certain review and oversight by the Governor, the charter school sponsor, the charter technical career center sponsor, or the Commissioner of Education; requiring a local governmental entity or district school board to provide requested information within a specified period of time; authorizing a financial emergency board for a local governmental entity or district school board to consult with other governmental entities for the consolidation of administrative direction and support services; authorizing the Governor or Commissioner of Education to require a local governmental entity or district school board to include provisions implementing the consolidation, sourcing, or discontinuance of all administrative direction and support services in certain plans; providing that the members of the governing body of a local governmental entity or the

members of a district school board who fail to resolve a state of financial emergency are subject to suspension or removal from office; providing an effective date.

—was read the second time by title.

On motion by Rep. Hukill, **SB 368** was substituted for **HB 7031**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 638—A bill to be entitled An act relating to the Florida Motor Vehicle Theft Prevention Authority; repealing ss. 860.151, 860.152, 860.153, 860.154, 860.155, 860.156, 860.157, and 860.158, F.S., relating to the Florida Motor Vehicle Theft Prevention Authority; repealing provisions relating to a short title, purpose, definitions, establishment, compensation of members, personnel, powers and duties, and expenditures; amending s. 713.78, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

On motion by Rep. Young, **SB 638** was substituted for **HB 4073**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 436—A bill to be entitled An act relating to video voyeurism; amending s. 810.145, F.S.; revising the definition of the term "place and time when a person has a reasonable expectation of privacy" to include the interior of a residential dwelling; increasing the classification of specified video voyeurism offenses; amending s. 921.0022, F.S.; ranking a violation of s. 810.145(8)(b), F.S., above its default value for purposes of the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

—was read the second time by title.

On motion by Rep. Young, **SB 436** was substituted for **HB 215**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 186—A bill to be entitled An act relating to misdemeanor pretrial substance abuse programs; amending s. 948.16, F.S.; providing that a person who is charged with a nonviolent, nontraffic-related misdemeanor and identified as having a substance abuse problem or who is charged with certain other designated misdemeanor offenses, and who has not previously been convicted of a felony, may qualify for participation in a misdemeanor pretrial substance abuse program; providing an effective date.

—was read the second time by title.

On motion by Rep. Moraitis, **CS for SB 186** was substituted for **CS/HB 183**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 570—A bill to be entitled An act relating to public records; defining the term "publicly owned performing arts center"; creating an exemption from public records requirements for information that identifies a donor or prospective donor of a donation made for the benefit of a publicly owned performing arts center if the donor desires to remain anonymous; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

On motion by Rep. Moraitis, **SB 570** was substituted for **HB 351**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 1724—A bill to be entitled An act relating to mosquito control districts; repealing s. 388.191, F.S., relating to certain powers of the board of county commissioners to hold, control, acquire, or purchase real or personal property, condemn land or easements, exercise the right of eminent domain, and institute and maintain condemnation proceedings for a mosquito control district; providing an effective date.

—was read the second time by title.

On motion by Rep. Albritton, **SB 1724** was substituted for **HB 4029**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 140—A bill to be entitled An act relating to repeal of a workers' compensation reporting requirement; repealing s. 440.59, F.S., relating to the duty of the Department of Financial Services to make an annual report on the administration of ch. 440, F.S., the Workers' Compensation Law, to specified officials; providing an effective date.

—was read the second time by title.

On motion by Rep. Nelson, **SB 140** was substituted for **HB 4019**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Consideration of **SB 446** was temporarily postponed.

SB 878—A bill to be entitled An act relating to Florida College System personnel records; amending s. 1012.81, F.S.; specifying records that constitute limited-access records; providing an effective date.

—was read the second time by title.

On motion by Rep. Caldwell, **SB 878** was substituted for **CS/HB 1465**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 374—A bill to be entitled An act relating to public records; amending s. 272.136, F.S.; exempting from public record requirements all identifying information of a donor or prospective donor to the direct-support organization of the Florida Historic Capitol and the Legislative Research Center and Museum; providing for future repeal and legislative review of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

On motion by Rep. Hooper, **SB 374** was substituted for **HB 539**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 1856—A bill to be entitled An act relating to public meetings and public records; providing an exemption from public meeting requirements for certain meetings of a peer review panel under the James and Esther King Biomedical Research Program and the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program; providing an exemption from public records requirements for certain records related to biomedical research grant applications; providing an exemption from public records requirements for research grant applications provided to, and reviewed by, the peer review panel; providing exceptions to the exemption; providing for legislative review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

On motion by Rep. Coley, **CS for SB 1856** was substituted for **CS/CS/HB 657**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 276—A bill to be entitled An act relating to recognition of military personnel and veterans; amending s. 265.003, F.S.; creating the Florida Veterans' Hall of Fame Council within the Department of Veterans' Affairs; providing for membership, terms of members, and organization of the council; revising provisions relating to nomination of persons to the Florida Veterans' Hall of Fame; providing for annual acceptance of nominations by the council; authorizing the council to establish criteria for such nominations; creating s. 683.146, F.S.; designating August 7 of each year as "Purple Heart Day"; providing an effective date.

—was read the second time by title.

On motion by Rep. Smith, **SB 276** was substituted for **CS/HB 469**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 326—A bill to be entitled An act relating to state symbols; creating s. 15.0465, F.S.; designating the schooner Western Union as the official state flagship; providing an effective date.

—was read the second time by title.

On motion by Rep. Broxson, **SB 326** was substituted for **HB 395**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 446—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 409.25661, F.S., relating to a public records exemption for insurance claim data exchange information used for identifying parents who owe past due child support; saving the exemption from repeal under the Open Government Sunset Review Act; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title.

On motion by Rep. Logan, **SB 446** was substituted for **HB 7019**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 116—A bill to be entitled An act relating to freeholder voting; amending s. 100.241, F.S.; permitting the submission of a written declaration to establish that an elector is a freeholder and qualified to vote in an election or referendum limited to freeholders who are qualified to vote; providing an effective date.

—was read the second time by title.

On motion by Rep. Davis, **CS for SB 116** was substituted for **CS/HB 75**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 1050—A bill to be entitled An act relating to fiduciaries; amending s. 701.04, F.S.; requiring a mortgage holder to provide certain information within a specified time relating to the unpaid loan balance due under a mortgage if a mortgagor, a record title owner of the property, a fiduciary or trustee lawfully acting on behalf of a record title owner, or any person lawfully authorized to act on behalf of a mortgagor or record title owner of the property makes a written request under certain circumstances; allowing financial institutions to release certain mortgagor information to

specified persons without penalty; amending s. 738.102, F.S.; defining the term "carrying value"; amending s. 738.103, F.S.; providing for application; amending s. 738.104, F.S.; deleting a provision authorizing a trustee to release the power to adjust between principal and income if the trustee desires to convert the form of certain trusts; limiting the power to adjust a trust; deleting a provision that provides for construction and application relating to the administration of trusts in this state or under this state's law; amending s. 738.1041, F.S.; defining the term "average fair market value" and revising definition of the term "unitrust amount"; deleting a duplicative provision relating to conclusive determinations of the terms of a unitrust; revising provisions relating to an express total return unitrust; amending s. 738.105, F.S.; substituting the term "trustee" for "fiduciary" with respect to judicial control of discretionary powers; amending s. 738.201, F.S.; revising provisions relating to the determination and distribution of net income; amending s. 738.202, F.S.; revising provisions relating to distributions to residuary and remainder beneficiaries; amending ss. 738.301, 738.302, and 738.303, F.S.; substituting the term "fiduciary" for "trustee" to clarify that provisions apply to all fiduciaries; amending s. 738.401, F.S.; substituting the term "fiduciary" for "trustee" to clarify that provisions apply to all fiduciaries; revising how distributions from entities are allocated between income and principal; amending ss. 738.402, 738.403, 738.501, 738.502, 738.503, 738.504, and 738.601, F.S.; substituting the term "fiduciary" for "trustee" to clarify that provisions apply to all fiduciaries; amending s. 738.602, F.S.; substituting the term "fiduciary" for "trustee" to clarify that provisions apply to all fiduciaries; revising provisions relating to allocations to trusts; amending s. 738.603, F.S.; substituting the term "fiduciary" for "trustee" to clarify that provisions apply to all fiduciaries; revising provisions relating to the allocation between income and principal when liquidating assets; amending ss. 738.604, 738.605, 738.606, 738.607, 738.608, 738.701, 738.702, 738.703, and 738.704, F.S.; substituting the term "fiduciary" for "trustee" to clarify that provisions apply to all fiduciaries; amending s. 738.705, F.S.; substituting the term "fiduciary" for "trustee" to clarify that provisions apply to all fiduciaries; revising the method for allocating income taxes between income and principal; amending s. 738.801, F.S.; clarifying the apportionment of expenses between tenants and remaindermen; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

SB 792—A bill to be entitled An act relating to financial institutions; providing definitions; requiring a financial institution that is chartered in this state and that maintains certain accounts with a foreign financial institution to establish due diligence policies, procedures, and controls reasonably designed to detect whether the foreign financial institution engages in certain activities facilitating the development of weapons of mass destruction by the Government of Iran, provides support for certain foreign terrorist organizations, or participates in other related activities; requiring the Financial Services Commission to adopt rules establishing minimum standards for the due diligence policies, procedures, and controls; requiring a financial institution chartered in this state to annually file a compliance certificate with the Office of Financial Regulation; requiring that the Office of Financial Regulation submit an annual report relating to the Financial Services Commission rules and certifications from financial institutions to the Governor, the President of the Senate, and the Speaker of the House of Representatives; requiring that the Office of Financial Regulation make the annual report available to the public on its website; authorizing the Office of Financial Regulation to impose an administrative fine against a financial institution that fails to make the annual certification required by the act; providing an effective date.

—was read the second time by title.

On motion by Rep. Bernard, **SB 792** was substituted for **CS/HB 613**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 520—A bill to be entitled An act relating to veteran's guardianship; repealing s. 744.103, F.S., relating to guardians of incapacitated world war veterans; providing an effective date.

—was read the second time by title.

On motion by Rep. Bernard, **SB 520** was substituted for **HB 4049**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 278—A bill to be entitled An act relating to preventing deaths from drug-related overdoses; providing a short title; creating s. 893.21, F.S.; providing that a person acting in good faith who seeks medical assistance for an individual experiencing a drug-related overdose may not be charged, prosecuted, or penalized for specified offenses in certain circumstances; providing that a person who experiences a drug-related overdose and needs medical assistance may not be charged, prosecuted, or penalized for specified offenses in certain circumstances; providing that the protections from prosecution for specified offenses are not grounds for suppression of evidence in other prosecutions; amending s. 921.0026, F.S.; amending mitigating circumstances under which a departure from the lowest permissible criminal sentence is reasonably justified to include circumstances in which a defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose; providing an effective date.

—was read the second time by title.

On motion by Rep. Bernard, **SB 278** was substituted for **HB 125**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 226—A bill to be entitled An act relating to disabled parking permits; amending s. 318.18, F.S.; providing for a parking enforcement specialist or agency to validate compliance for the disposition of a citation issued for illegally parking in a space provided for people who have disabilities; amending s. 320.0848, F.S.; revising requirements for renewal or replacement of a disabled parking permit; prohibiting applying for a new disabled parking permit for a certain period of time upon a second finding of guilt or plea of nolo contendere to unlawful use of such permit; requiring the Department of Highway Safety and Motor Vehicles to randomly review disabled parking permitholders, verify certain information, and invalidate the permit of a deceased permitholder; directing the department to implement a means for reporting abuse of disabled parking permits; providing an effective date.

—was read the second time by title.

On motion by Rep. Julien, the rules were waived and **CS for SB 226** was substituted for **CS/HB 27**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 990—A bill to be entitled An act relating to natural guardians; amending s. 744.301, F.S.; revising provisions relating to the authority of natural guardians to act on behalf of their children; providing an effective date.

—was read the second time by title.

On motion by Rep. Schwartz, **SB 990** was substituted for **HB 851**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 608—A bill to be entitled An act relating to the Florida Healthy Kids Corporation; amending s. 624.91, F.S.; revising the membership of the board

of directors of the Florida Healthy Kids Corporation to include a member nominated by the Florida Dental Association and appointed by the Governor; providing an effective date.

—was read the second time by title.

On motion by Rep. Berman, **SB 608** was substituted for **HB 519**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 924—A bill to be entitled An act relating to special observances; creating s. 683.185, F.S.; designating April 7 of each year as "Everglades Day"; providing an effective date.

—was read the second time by title.

On motion by Rep. Perman, **CS for SB 924** was substituted for **HB 1105**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for CS for CS for SB 268—A bill to be entitled An act relating to the sponsorship of state greenways and trails; creating the "John Anthony Wilson Bicycle Safety Act"; creating s. 260.0144, F.S.; providing for the Department of Environmental Protection to enter into concession agreements for commercial sponsorship displays to be displayed on certain state greenway and trail facilities or property; providing requirements for concession agreements; specifying which greenways and trails are included in the initial sponsorships; authorizing the department to enter into sponsorship agreements with entities to sponsor other state greenways and trails; providing for distribution of proceeds from the concession agreements; authorizing the department to adopt rules; providing an effective date.

—was read the second time by title.

On motion by Rep. Slosberg, **CS for CS for CS for SB 268** was substituted for **CS/CS/HB 181**. Under Rule 5.14, the House bill was laid on the table.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Consideration of **CS for CS for CS for SB 694** was temporarily postponed.

CS for CS for SB 922—A bill to be entitled An act relating to current and former military personnel; amending s. 265.003, F.S.; creating the Florida Veterans' Hall of Fame Council; providing for membership and terms of appointment; providing for the appointment of a chair; providing for meetings, a quorum, and voting; providing for reimbursement of travel expenses; providing for the removal of an appointee; providing for the Florida Veterans' Hall of Fame Council rather than the Department of Veterans' Affairs to select nominees for induction into the Florida Veterans' Hall of Fame and to establish the criteria for selection; amending s. 295.187, F.S.; revising legislative intent; renaming and revising the Florida Service-Disabled Veteran Business Enterprise Opportunity Act to expand the vendor preference in state contracting to include certain businesses owned and operated by wartime veterans or veterans of a period of war; amending s. 320.08056, F.S.; providing the license plate annual use fee for an American Legion license plate; amending s. 320.08058, F.S.; creating the American Legion license plate; providing for the distribution of use fees received from the sale of the license plates; amending s. 320.089, F.S.; providing for the issuance of a Combat Infantry Badge license plate; providing qualifications and requirements for the plate; providing for the use of proceeds from the sale of the plate; providing for issuance of a Vietnam War Veterans' license plate and the Korean Conflict Veterans' license plate; providing qualifications and requirements for the plates; creating s. 320.0892, F.S.; providing for the Department of Highway Safety and Motor Vehicles to issue Silver Star, Distinguished Service Cross, Navy Cross, and Air Force Cross license plates,

without payment of the license tax, to persons meeting specified criteria; creating s. 683.146, F.S.; designating August 7 of each year as "Purple Heart Day"; providing a short title; creating a court program for certain servicemembers and military veterans who suffer from mental illness, traumatic brain injury, substance use disorder, or psychological problems as a result of their military service; providing qualifications for entrance into the court program; amending s. 948.08, F.S.; creating a pretrial veterans' and servicemembers' treatment intervention program; providing requirements for a defendant to be voluntarily admitted to the pretrial program; providing certain exceptions to such admission; providing for the disposition of pending charges following a defendant's completion of the pretrial intervention program; providing for the charges to be expunged under certain circumstances; amending s. 948.16, F.S.; creating a misdemeanor pretrial veterans' treatment intervention program; providing requirements for voluntary admission to the misdemeanor pretrial program; providing for the misdemeanor charges to be expunged under certain circumstances; exempting treatment services provided by the Department of Veterans' Affairs or the United States Department of Veterans Affairs from certain contract requirements; creating s. 948.21, F.S.; authorizing the court to impose a condition of probation or community control for certain defendant veterans or servicemembers which requires participation in a treatment program capable of treating a mental illness, a traumatic brain injury, a substance use disorder, or a psychological problem; amending s. 1003.05, F.S.; requiring that a school board provide an option to school-aged dependents of military personnel to choose certain schools if the student is reassigned as a result of school rezoning; creating s. 1004.075, F.S.; requiring certain Florida College System institutions and state universities to provide priority course registration for veterans; providing eligibility requirements; creating s. 1005.09, F.S.; encouraging certain independent postsecondary educational institutions to provide priority course registration for veterans; amending s. 1009.21, F.S.; providing that veterans of the Armed Services of the United States, including reserve components thereof, who attend the physical location of a public college, university, or institution of higher learning within the state are residents for tuition purposes; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing effective dates.

—was read the second time by title.

On motion by Rep. Nelson, **CS for CS for SB 922** was substituted for **CS/CS/HB 977**. Under Rule 5.14, the House bill was laid on the table.

Representative Nelson offered the following:

(Amendment Bar Code: 423155)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (1) of section 14.34, Florida Statutes, is amended to read:

14.34 Governor's Medal of Merit.—

(1) The Governor may present, in the name of the State of Florida, a medal to be known as the "Governor's Medal of Merit," which shall bear a suitable inscription and ribbon of appropriate design, to:

(a) Any legal resident of this state who has rendered exceptional meritorious service to the citizens of this state;

(b) Any legal resident of this state who is serving under honorable conditions on active duty as a member of the United States Armed Forces, the Florida National Guard, or the United States Reserve Forces and has rendered exceptional meritorious service to the citizens of this state while on active duty; or

(c) Any legal resident of this state who has been honorably discharged from active duty as a member of the United States Armed Forces, the Florida National Guard, or the United States Reserve Forces and, while on active duty, rendered exceptional meritorious service to the citizens of this state.

As used in this subsection, the term "exceptional meritorious service" means acts of bravery above and beyond the level of duty normally required by that person's respective military or civilian position.

Section 2. Subsections (3), (5), and (6) of section 163.3175, Florida Statutes, are amended to read:

163.3175 Legislative findings on compatibility of development with military installations; exchange of information between local governments and military installations.—

(3) The Florida Defense Support Task Force ~~Council on Military Base and Mission Support~~ may recommend to the Legislature changes to the military installations and local governments specified in subsection (2) based on a military base's potential for impacts from encroachment, and incompatible land uses and development.

(5) The commanding officer or his or her designee may provide advisory comments to the affected local government on the impact such proposed changes may have on the mission of the military installation. Such advisory comments shall be based on appropriate data and analyses provided with the comments and may include:

(a) If the installation has an airfield, whether such proposed changes will be incompatible with the safety and noise standards contained in the Air Installation Compatible Use Zone (AICUZ) adopted by the military installation for that airfield;

(b) Whether such changes are incompatible with the Installation Environmental Noise Management Program (IENMP) of the United States Army;

(c) Whether such changes are incompatible with the findings of a Joint Land Use Study (JLUS) for the area if one has been completed; and

(d) Whether the military installation's mission will be adversely affected by the proposed actions of the county or affected local government.

The commanding officer's comments, underlying studies, and reports shall be considered by the local government in the same manner as the comments received from other reviewing agencies pursuant to s. 163.3184 ~~are not binding on the local government.~~

(6) The affected local government shall take into consideration any comments and accompanying data and analyses provided by the commanding officer or his or her designee pursuant to subsection (4) as they relate to the strategic mission of the base, public safety, and the economic vitality associated with the base's operations, while also respecting and must also be sensitive to private property rights and not being be unduly restrictive on those rights. The affected local government shall forward a copy of any comments regarding comprehensive plan amendments to the state land planning agency.

Section 3. Effective upon becoming a law and first applying to ad valorem tax rolls for 2012, subsection (2) of section 196.173, Florida Statutes, is amended to read:

196.173 Exemption for deployed servicemembers.—

(2) The exemption is available to servicemembers who were deployed during the preceding calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of:

(a) Operation Noble Eagle, which began on September 15, 2001;

~~(b)(a)~~ Operation Enduring Freedom, which began on October 7, 2001;

~~(c)(b)~~ Operation Iraqi Freedom, which began on March 19, 2003, and ended on August 31, 2010; ~~or~~

~~(d)(c)~~ Operation New Dawn, which began on September 1, 2010, and ended on December 15, 2011; or

~~(e)~~ Operation Odyssey Dawn, which began on March 19, 2011, and ended on October 31, 2011.

The Department of Revenue shall notify all property appraisers and tax collectors in this state of the designated military operations.

Section 4. This section is effective upon becoming a law. Notwithstanding the application deadline in s. 196.173(5), Florida Statutes, the deadline for an eligible servicemember to file a claim for an additional ad valorem tax exemption for a qualifying deployment during the 2011 calendar year is June 1, 2012. Any applicant who seeks to claim the additional exemption and who fails to file an application by June 1 must file an application for the exemption

with the property appraiser on or before the 25th day following the mailing by the property appraiser of the notices required under s. 194.011(1), Florida Statutes. Upon receipt of sufficient evidence, as determined by the property appraiser, demonstrating the applicant was unable to apply for the exemption in a timely manner or otherwise demonstrating extenuating circumstances judged by the property appraiser to warrant granting the exemption, the property appraiser may grant the exemption. If the applicant fails to produce sufficient evidence demonstrating the applicant was unable to apply for the exemption in a timely manner or otherwise demonstrating extenuating circumstances as judged by the property appraiser, the applicant may file, pursuant to s. 194.011(3), Florida Statutes, a petition with the value adjustment board requesting that the exemption be granted. Such petition must be filed during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser as provided in s. 194.011(1), Florida Statutes. Notwithstanding s. 194.013, Florida Statutes, the applicant is not required to pay a filing fee for such a petition. Upon reviewing the petition, if the applicant is qualified to receive the exemption and demonstrates particular extenuating circumstances judged by the value adjustment board to warrant granting the exemption, the value adjustment board may grant the exemption for the current year.

Section 5. Section 265.003, Florida Statutes, is amended to read:

265.003 Florida Veterans' Hall of Fame.—

(1) It is the intent of the Legislature to recognize and honor those military veterans who, through their works and lives during or after military service, have made a significant contribution to the State of Florida.

(2) There is established the Florida Veterans' Hall of Fame.

(a) The Florida Veterans' Hall of Fame is administered by the Florida Department of Veterans' Affairs without appropriation of state funds.

(b) The Department of Management Services shall set aside an area on the Plaza Level of the Capitol Building along the northeast front wall and shall consult with the Department of Veterans' Affairs regarding the design and theme of the area.

(c) Each person who is inducted into the Florida Veterans' Hall of Fame shall have his or her name placed on a plaque displayed in the designated area of the Capitol Building.

(3)(a) The Florida Veterans' Hall of Fame Council is created within the Department of Veterans' Affairs as an advisory council, as defined in s. 20.03(7), consisting of seven members who shall all be honorably discharged veterans, and at least four of whom must be members of a congressionally chartered veterans service organization. The Governor, the President of the Senate, the Speaker of the House of Representatives, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, and the executive director of the Department of Veterans' Affairs shall each appoint one member. For the purposes of ensuring staggered terms, the council members appointed by the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture shall be appointed to 4-year terms beginning on January 1 of the year of appointment, and the council members appointed by the President of the Senate, the Speaker of the House of Representatives, and the executive director of the Department of Veterans' Affairs shall be appointed to 2-year terms beginning on January 1 of the year of appointment. After the initial appointments, all appointees shall be appointed to 4-year terms. A member whose term expires shall continue to serve on the council until such time as a replacement is appointed.

(b) The members shall annually elect a chair from among their number. The council shall meet at the call of its chair, at the request of the executive director of the Department of Veterans' Affairs, or at such times as may be prescribed by the council. A majority of the members of the council currently appointed constitutes a quorum, and a meeting may not be held unless a quorum is present. The affirmative vote of a majority of the members of the council present is necessary for any official action by the council.

(c) Members of the council may not receive compensation or honorarium for their services. Members may be reimbursed for travel expenses incurred in the performance of their duties, as provided in s. 112.061, however, no state funds may be used for this purpose.

(d) The original appointing authority may remove his or her appointee from the council for misconduct or malfeasance in office, neglect of duty,

incompetence, or permanent inability to perform official duties or if the member is adjudicated guilty of a felony.

~~(4)(3)(a)~~ The Florida Veterans' Hall of Fame Council ~~Department of Veterans' Affairs~~ shall annually accept nominations of persons to be considered for induction into the Florida Veterans' Hall of Fame and shall ~~then~~ transmit a list of up to 20 nominees ~~its recommendations~~ to the Department of Veterans' Affairs for submission to the Governor and the Cabinet who will select the nominees to be inducted.

(b) In selecting its nominees for submission ~~making its recommendations~~ to the Governor and the Cabinet, the Florida Veterans' Hall of Fame Council ~~Department of Veterans' Affairs~~ shall give preference to veterans who were born in Florida or adopted Florida as their home state or base of operation and who have made a significant contribution to the state in civic, business, public service, or other pursuits.

~~(5)(4)~~ The Florida Veterans' Hall of Fame Council ~~Department of Veterans' Affairs~~ may establish criteria and set specific time periods for acceptance of nominations and for the process of selection of nominees for membership and establish a formal induction ceremony to coincide with the annual commemoration of Veterans' Day.

Section 6. Subsections (9) and (10) of section 288.972, Florida Statutes, are amended to read:

288.972 Legislative intent.—It is the policy of this state, once the Federal Government has proposed any base closure or has determined that military bases, lands, or installations are to be closed and made available for reuse, to:

~~(9) Coordinate the development of the Defense-Related Business Adjustment Program to increase commercial technology development by defense companies.~~

~~(9)(40)~~ Coordinate the development, maintenance, and analysis of a workforce database to assist workers adversely affected by defense-related activities in their relocation efforts.

Section 7. Section 288.980, Florida Statutes, is amended to read:

288.980 Military base retention; legislative intent; grants program.—

(1)(a) It is the intent of this state to provide the necessary means to assist communities with military installations in supporting and sustaining those installations that would be adversely affected by federal base realignment or closure actions. It is further the intent to encourage communities to initiate a coordinated program of response and plan of action in advance of future actions of the federal government relating to realignments and closures ~~Base Realignment and Closure Commission~~. It is critical that closure-vulnerable communities develop and implement strategies such a program to preserve and protect ~~affected~~ military installations. The Legislature hereby recognizes that the state needs to coordinate all efforts that can support facilitate the retention of all remaining military installations throughout in the state. The Legislature, therefore, declares that providing such assistance to support the defense-related initiatives within this section is a public purpose for which public money may be used.

(b) The Florida Defense Alliance, an organization within Enterprise Florida, is designated as the organization to ensure that Florida, its resident military bases and missions, and its military host communities are in competitive positions as the United States continues its defense realignment and downsizing. The defense alliance shall serve as an overall advisory body for defense-related activity of Enterprise Florida, Inc. The Florida Defense Alliance may receive funding from appropriations made for that purpose administered by the department.

(2) The Military Base Protection Program is created. Funds appropriated to this program may be used to address emergent needs relating to mission sustainment and base retention. All funds appropriated for the purposes of this program are eligible to be used for matching of federal funds. The department shall coordinate and implement this program.

~~(3)(2)(a)~~ The department is authorized to award grants on a competitive basis from any funds available to it to support activities related to the Florida Defense Reinvestment Grant Program and the Florida Defense Infrastructure Grant Program ~~retention of military installations potentially affected by federal base closure or realignment.~~

(b) The term "activities" as used in this section means studies, presentations, analyses, plans, and modeling. For the purposes of the Florida Defense Infrastructure Grant Program, the term "activities" also includes, but

is not limited to, construction, land purchases, and easements. Staff salaries are not considered an "activity" for which grant funds may be awarded. Travel costs and costs incidental thereto incurred by a grant recipient shall be considered an "activity" for which grant funds may be awarded.

~~(c) Except for grants issued pursuant to the Florida Military Installation Reuse Planning and Marketing Grant Program as described in paragraph (3)(e), the amount of any grant provided to an applicant may not exceed \$250,000. The department shall require that an applicant:~~

1. Represent a local government with a military installation or military installations that could be adversely affected by federal actions base realignment or closure.

2. Agree to match at least 30 percent of any grant awarded.

3. Prepare a coordinated program or plan of action delineating how the eligible project will be administered and accomplished.

4. Provide documentation describing the potential for changes to the mission realignment or closure of a military installation located in the applicant's community and the potential adverse impacts such changes realignment or closure will have on the applicant's community.

~~(d)~~ In making grant awards the department office shall consider, at a minimum, the following factors:

1. The relative value of the particular military installation in terms of its importance to the local and state economy relative to other military installations vulnerable to closure.

2. The potential job displacement within the local community should the mission of the military installation be changed closed.

3. The potential adverse impact on industries and technologies which service the military installation.

~~(4)(3)~~ The Florida Defense Reinvestment Grant Program ~~Economic Reinvestment Initiative~~ is established to respond to the need for this state to work in conjunction with defense-dependent communities in developing and implementing strategies and approaches that will help communities support the missions of military installations, and in developing and implementing and defense dependent communities in this state to develop alternative economic diversification strategies to transition from a defense economy to a nondefense economy ~~lessen reliance on national defense dollars in the wake of base closures and reduced federal defense expenditures and the need to formulate specific base reuse plans and identify any specific infrastructure needed to facilitate reuse.~~ Eligible applicants include defense-dependent counties and cities, and local economic development councils located within such communities. The program initiative shall consist of the following two distinct grant programs to be administered by the department and grant awards may be provided to support community-based activities that:

~~(a) Protect existing military installations; The Florida Defense Planning Grant Program, through which funds shall be used to analyze the extent to which the state is dependent on defense dollars and defense infrastructure and prepare alternative economic development strategies. The state shall work in conjunction with defense dependent communities in developing strategies and approaches that will help communities make the transition from a defense economy to a nondefense economy. Grant awards may not exceed \$250,000 per applicant and shall be available on a competitive basis.~~

~~(b) Diversify the economy of a defense-dependent community; or The Florida Defense Implementation Grant Program, through which funds shall be made available to defense dependent communities to implement the diversification strategies developed pursuant to paragraph (a). Eligible applicants include defense dependent counties and cities, and local economic development councils located within such communities. Grant awards may not exceed \$100,000 per applicant and shall be available on a competitive basis. Awards shall be matched on a one-to-one basis.~~

~~(c) The Florida Military Installation Reuse Planning and Marketing Grant Program, through which funds shall be used to help counties, cities, and local economic development councils Develop and implement plans for the reuse of closed or realigned military installations, including any plans necessary for infrastructure improvements needed to facilitate reuse and related marketing activities.~~

Applications for grants under this subsection must include a coordinated program of work or plan of action delineating how the eligible project will be

administered and accomplished, which must include a plan for ensuring close cooperation between civilian and military authorities in the conduct of the funded activities and a plan for public involvement.

~~(5)(4)~~ The Defense Infrastructure Grant Program is created. The department shall coordinate and implement this program, the purpose of which is to support local infrastructure projects deemed to have a positive impact on the military value of installations within the state. Funds are to be used for projects that benefit both the local community and the military installation. ~~It is not the intent, however, to fund on-base military construction projects.~~ Infrastructure projects to be funded under this program include, but are not limited to, those related to encroachment, transportation and access, utilities, communications, housing, environment, and security. Grant requests will be accepted only from economic development applicants serving in the official capacity of a governing board of a county, municipality, special district, or state agency that will have the authority to maintain the project upon completion. An applicant must represent a community or county in which a military installation is located. There is no limit as to the amount of any grant awarded to an applicant. A match by the county or local community may be required. The program may not be used to fund on-base military construction projects. The department shall establish guidelines to implement the purpose of this subsection.

~~(5)(a) The Defense Related Business Adjustment Program is hereby created. The department shall coordinate the development of the Defense Related Business Adjustment Program. Funds shall be available to assist defense-related companies in the creation of increased commercial technology development through investments in technology. Such technology must have a direct impact on critical state needs for the purpose of generating investment-grade technologies and encouraging the partnership of the private sector and government defense-related business adjustment. The following areas shall receive precedence in consideration for funding commercial technology development: law enforcement or corrections, environmental protection, transportation, education, and health care. Travel and costs incidental thereto, and staff salaries, are not considered an "activity" for which grant funds may be awarded.~~

~~(b) The department shall require that an applicant:~~

~~1. Be a defense-related business that could be adversely affected by federal base realignment or closure or reduced defense expenditures.~~

~~2. Agree to match at least 50 percent of any funds awarded by the United States Department of Defense in cash or in-kind services. Such match shall be directly related to activities for which the funds are being sought.~~

~~3. Prepare a coordinated program or plan delineating how the funds will be administered.~~

~~4. Provide documentation describing how defense-related realignment or closure will adversely impact defense-related companies.~~

~~(6) The Retention of Military Installations Program is created. The department shall coordinate and implement this program.~~

~~(6)(7)~~ The department may award nonfederal matching funds specifically appropriated for construction, maintenance, and analysis of a Florida defense workforce database. Such funds will be used to create a registry of worker skills that can be used to match the worker needs of companies that are relocating to this state or to assist workers in relocating to other areas within this state where similar or related employment is available.

~~(7)(8)~~ Payment of administrative expenses shall be limited to no more than 10 percent of any grants issued pursuant to this section.

~~(8)(9)~~ The department shall establish guidelines to implement and carry out the purpose and intent of this section.

Section 8. (1) This section shall take effect upon this act becoming a law.

(2) The powers, duties, functions, records, personnel, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds of the Florida Council on Military Base and Mission Support within the Department of Economic Opportunity are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Florida Defense Support Task Force within the Department of Economic Opportunity.

Section 9. (1) This section shall take effect upon this act becoming a law.

(2) Section 288.984, Florida Statutes, is repealed.

Section 10. Effective upon this act becoming a law, subsections (1) and (2) of section 288.985, Florida Statutes, are amended to read:

288.985 Exemptions from public records and public meetings requirements.—

(1) The following records held by the Florida Defense Support Task Force Council on Military Base and Mission Support are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) That portion of a record which relates to strengths and weaknesses of military installations or military missions in this state relative to the selection criteria for the realignment and closure of military bases and missions under any United States Department of Defense base realignment and closure process.

(b) That portion of a record which relates to strengths and weaknesses of military installations or military missions in other states or territories and the vulnerability of such installations or missions to base realignment or closure under the United States Department of Defense base realignment and closure process, and any agreements or proposals to relocate or realign military units and missions from other states or territories.

(c) That portion of a record which relates to the state's strategy to retain its military bases during any United States Department of Defense base realignment and closure process and any agreements or proposals to relocate or realign military units and missions.

(2) Meetings or portions of meetings of the Florida Defense Support Task Force Council on Military Base and Mission Support, or a workgroup of the task force council, at which records are presented or discussed which are exempt under subsection (1) are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

Section 11. Effective upon this act becoming a law, subsections (2), (5), (6), and (7) of section 288.987, Florida Statutes, are amended to read:

288.987 Florida Defense Support Task Force.—

(2) The mission of the task force is to make recommendations to preserve and protect military installations ~~prepare the state to effectively compete in any federal base realignment and closure action~~, to support the state's position in research and development related to or arising out of military missions and contracting, and to improve the state's military-friendly environment for service members, military dependents, military retirees, and businesses that bring military and base-related jobs to the state.

(5) The executive director of Department of Economic Opportunity ~~the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor~~, or his or her designee, shall serve as the ex officio, nonvoting executive director of the task force.

(6) ~~The chair shall schedule and conduct the first meeting of the task force by October 1, 2011. The task force shall submit an annual a progress report and work plan for the remainder of the 2011-2012 fiscal year to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2012, and shall submit an annual report each February 1 thereafter.~~

(7) ~~The department Office of Tourism, Trade, and Economic Development~~ shall contract with the task force for expenditure of appropriated funds, which may be used by the task force for economic and product research and development, joint planning with host communities to accommodate military missions and prevent base encroachment, advocacy on the state's behalf with federal civilian and military officials, assistance to school districts in providing a smooth transition for large numbers of additional military-related students, job training and placement for military spouses in communities with high proportions of active duty military personnel, and promotion of the state to military and related contractors and employers. The task force may annually spend up to \$200,000 of funds appropriated to the department Executive Office of the Governor, Office of Tourism, Trade, and Economic Development, for the task force for staffing and administrative expenses of the task force, including travel and per diem costs incurred by task force members who are not otherwise eligible for state reimbursement.

Section 12. Section 295.187, Florida Statutes, is amended to read:

295.187 Florida ~~Service-Disabled~~ Veteran Business Enterprise Opportunity Act.—

(1) SHORT TITLE.—This section may be cited as the "Florida ~~Service-Disabled~~ Veteran Business Enterprise Opportunity Act."

(2) INTENT.—It is the intent of the Legislature to rectify the economic disadvantage of service-disabled veterans, who are statistically the least likely to be self-employed when compared to the veteran population as a whole and who have made extraordinary sacrifices on behalf of the nation, the state, and the public, by providing opportunities for service-disabled veteran business enterprises as set forth in this section. The Legislature also intends to recognize wartime veterans and veterans of a period of war for their sacrifices as set forth in this section.

(3) DEFINITIONS.—For the purpose of this section, the term:

(a) "Certified ~~service-disabled~~ veteran business enterprise" means a business that has been certified by the Department of Management Services to be a ~~service-disabled~~ veteran business enterprise as defined in paragraph (c).

(b) "Service-disabled veteran" means a veteran who is a permanent Florida resident with a service-connected disability as determined by the United States Department of Veterans Affairs or who has been terminated from military service by reason of disability by the United States Department of Defense.

(c) "~~Service-disabled~~ Veteran business enterprise" means an independently owned and operated business that:

1. Employs 200 or fewer permanent full-time employees;
2. Together with its affiliates has a net worth of \$5 million or less or, if a sole proprietorship, has a net worth of \$5 million or less including both personal and business investments;
3. Is organized to engage in commercial transactions;
4. Is domiciled in this state;
5. Is at least 51 percent owned by one or more wartime veterans or service-disabled veterans; and
6. The management and daily business operations of which are controlled by one or more wartime veterans or service-disabled veterans or, for a service-disabled veteran having with a permanent and total disability, by the spouse or permanent caregiver of the veteran.

(d) "Wartime veteran" means:

1. A wartime veteran as defined in s. 1.01(14); or
2. A veteran of a period of war, as used in 38 U.S.C. s. 1521, who served in the active military, naval, or air service:
 - a. For 90 days or more during a period of war;
 - b. During a period of war and was discharged or released from such service for a service-connected disability;
 - c. For a period of 90 consecutive days or more and such period began or ended during a period of war; or
 - d. For an aggregate of 90 days or more in two or more separate periods of service during more than one period of war.

(4) VENDOR PREFERENCE.—

(a) A state agency, when considering two or more bids, proposals, or replies for the procurement of commodities or contractual services, at least one of which is from a certified ~~service-disabled~~ veteran business enterprise, ~~which that~~ are equal with respect to all relevant considerations, including price, quality, and service, shall award such procurement or contract to the certified ~~service-disabled~~ veteran business enterprise.

(b) Notwithstanding s. 287.057(11), if a ~~service-disabled~~ veteran business enterprise entitled to the vendor preference under this section and one or more businesses entitled to this preference or another vendor preference provided by law submit bids, proposals, or replies for procurement of commodities or contractual services ~~which that~~ are equal with respect to all relevant considerations, including price, quality, and service, ~~then~~ the state agency shall award the procurement or contract to the business having the smallest net worth.

(c) Political subdivisions of the state are encouraged to offer a similar consideration to businesses certified under this section.

(5) CERTIFICATION PROCEDURE.—

(a) The application for certification as a ~~service-disabled~~ veteran business enterprise must, at a minimum, include:

1. The name of the business enterprise applying for certification and the name of the ~~service-disabled~~ veteran submitting the application on behalf of the business enterprise.
2. The names of all owners of the business enterprise, including owners who are wartime veterans, service-disabled veterans, and owners who are not a

wartime veteran or a service-disabled veteran veterans, and the percentage of ownership interest held by each owner.

3. The names of all persons involved in both the management and daily operations of the business, including the spouse or permanent caregiver of a veteran who has with a permanent and total disability.

4. The service-connected disability rating of all persons listed under subparagraphs 1., 2., and 3., as applicable, with supporting documentation from the United States Department of Veterans Affairs or the United States Department of Defense.

5. Documentation of the wartime service of all persons listed under subparagraphs 1., 2., and 3., as applicable, from the United States Department of Veterans Affairs or the United States Department of Defense.

~~6.5.~~ The number of permanent full-time employees.

~~7.6.~~ The location of the business headquarters.

~~8.7.~~ The total net worth of the business enterprise and its affiliates. In the case of a sole proprietorship, the net worth includes personal and business investments.

(b) To maintain certification, a ~~service-disabled~~ veteran business enterprise shall renew its certification biennially.

(c) ~~The provisions of Chapter 120,~~ relating to application, denial, and revocation procedures, applies shall apply to certifications under this section.

(d) A certified ~~service-disabled~~ veteran business enterprise must notify the Department of Management Services within 30 business days after any event that may significantly affect the certification of the business, including, but not limited to, a change in ownership or change in management and daily business operations.

(e) The certification of a ~~service-disabled~~ veteran business enterprise shall be revoked for 12 months if the Department of Management Services determines that the business enterprise violated paragraph (d). An owner of a certified ~~service-disabled~~ veteran business enterprise whose certification is revoked may is not permitted to reapply for certification under this section as an owner of any business enterprise during the 12-month revocation period.

1. During the 12-month revocation period, a ~~service-disabled~~ veteran business enterprise whose certification has been revoked may bid on state contracts but is not eligible for any preference available under this section.

2. A ~~service-disabled~~ veteran business enterprise whose certification has been revoked may apply for certification at the conclusion of the 12-month revocation period by complying with requirements applicable to initial certifications.

(6) DUTIES OF THE DEPARTMENT OF VETERANS' AFFAIRS.—The department shall:

(a) Assist the Department of Management Services in establishing a certification procedure, which shall be reviewed biennially and updated as necessary.

(b) Identify eligible ~~service-disabled~~ veteran business enterprises by any electronic means, including electronic mail or Internet website, or by any other reasonable means.

(c) Encourage and assist eligible ~~service-disabled~~ veteran business enterprises to apply for certification under this section.

(d) Provide information regarding services that are available from the Office of Veterans' Business Outreach of the Florida Small Business Development Center to ~~service-disabled~~ veteran business enterprises.

(7) DUTIES OF THE DEPARTMENT OF MANAGEMENT SERVICES.—The department shall:

(a) With assistance from the Department of Veterans' Affairs, establish a certification procedure, which shall be reviewed biennially and updated as necessary.

(b) Grant, deny, or revoke the certification of a ~~service-disabled~~ veteran business enterprise under this section.

(c) Maintain an electronic directory of certified ~~service-disabled~~ veteran business enterprises for use by the state, political subdivisions of the state, and the public.

(8) REPORT.—The Small Business Development Center shall include in its report required by s. 288.705 the percentage of certified ~~service-disabled~~ veteran business enterprises using the statewide contracts register.

(9) RULES.—The Department of Veterans' Affairs and the Department of Management Services, as appropriate, may adopt rules as necessary to administer this section.

Section 13. Effective October 1, 2012, section 320.089, Florida Statutes, is amended to read:

320.089 Members of National Guard and active United States Armed Forces reservists; former prisoners of war; survivors of Pearl Harbor; Purple Heart medal recipients; Operation Iraqi Freedom and Operation Enduring Freedom Veterans; Combat Infantry Badge recipients; Vietnam War Veterans; Korean Conflict Veterans; special license plates; fee.—

(1)(a) Each owner or lessee of an automobile or truck for private use or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and an active or retired member of the Florida National Guard, a survivor of the attack on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an active or retired member of any branch of the United States Armed Forces Reserve, or a recipient of the Combat Infantry Badge shall, upon application to the department, accompanied by proof of active membership or retired status in the Florida National Guard, proof of membership in the Pearl Harbor Survivors Association or proof of active military duty in Pearl Harbor on December 7, 1941, proof of being a Purple Heart medal recipient, ~~or~~ proof of active or retired membership in any branch of the Armed Forces Reserve, or proof of membership in the Combat Infantrymen's Association, Inc., or other proof of being a recipient of the Combat Infantry Badge, and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06, upon which, in lieu of the serial numbers prescribed by s. 320.06, shall be stamped the words "National Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry Badge," as appropriate, followed by the serial number of the license plate. Additionally, the Purple Heart plate may have the words "Purple Heart" stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

(b) Notwithstanding any other provision of law to the contrary, beginning with fiscal year 2002-2003 and annually thereafter, the first \$100,000 in general revenue generated from the sale of license plates issued under this section shall be deposited into the Grants and Donations Trust Fund, as described in s. 296.38(2), to be used for the purposes established by law for that trust fund. Any additional general revenue generated from the sale of such plates shall be deposited into the State Homes for Veterans Trust Fund and used solely to construct, operate, and maintain domiciliary and nursing homes for veterans, subject to the requirements of chapter 216.

(c) Notwithstanding any provisions of law to the contrary, an applicant for a Pearl Harbor Survivor license plate or a Purple Heart license plate who also qualifies for a disabled veteran's license plate under s. 320.084 shall be issued the appropriate special license plate without payment of the license tax imposed by s. 320.08.

(2) Each owner or lessee of an automobile or truck for private use, truck weighing not more than 7,999 pounds, or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and who is a former prisoner of war, or their unremarried surviving spouse, shall, upon application therefor to the department, be issued a license plate as provided in s. 320.06, on which license plate are stamped the words "Ex-POW" followed by the serial number. Each application shall be accompanied by proof that the applicant meets the qualifications specified in paragraph (a) or paragraph (b).

(a) A citizen of the United States who served as a member of the Armed Forces of the United States or the armed forces of a nation allied with the United States who was held as a prisoner of war at such time as the Armed Forces of the United States were engaged in combat, or their unremarried surviving spouse, may be issued the special license plate provided for in this subsection without payment of the license tax imposed by s. 320.08.

(b) A person who was serving as a civilian with the consent of the United States Government, or a person who was a member of the Armed Forces of the United States who was not a United States citizen and was held as a prisoner of war when the Armed Forces of the United States were engaged in combat, or their unremarried surviving spouse, may be issued the special license plate

provided for in this subsection upon payment of the license tax imposed by s. 320.08.

(3) Each owner or lessee of an automobile or truck for private use, truck weighing not more than 7,999 pounds, or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of this state and who is the unremarried surviving spouse of a recipient of the Purple Heart medal shall, upon application therefor to the department, with the payment of the required fees, be issued a license plate as provided in s. 320.06, on which license plate are stamped the words "Purple Heart" and the likeness of the Purple Heart medal followed by the serial number. Each application shall be accompanied by proof that the applicant is the unremarried surviving spouse of a recipient of the Purple Heart medal.

(4) The owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d) which automobile, truck, or recreational vehicle is not used for hire or commercial use who is a resident of the state and a current or former member of the United States military who was deployed and served in Iraq during Operation Iraqi Freedom or in Afghanistan during Operation Enduring Freedom shall, upon application to the department, accompanied by proof of active membership or former active duty status during one of these operations, and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06 upon which, in lieu of the registration license number prescribed by s. 320.06, shall be stamped the words "Operation Iraqi Freedom" or "Operation Enduring Freedom," as appropriate, followed by the registration license number of the plate.

(5) The owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d) which automobile, truck, or recreational vehicle is not used for hire or commercial use, who is a resident of the state and a current or former member of the United States military, and who was deployed and served in Vietnam during United States military deployment in Indochina shall, upon application to the department, accompanied by proof of active membership or former active duty status during these operations, and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06 upon which, in lieu of the registration license number prescribed by s. 320.06, shall be stamped the words "Vietnam War Veteran," followed by the registration license number of the plate.

(6) The owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d) which automobile, truck, or recreational vehicle is not used for hire or commercial use, who is a resident of the state and a current or former member of the United States military, and who was deployed and served in Korea during United States military deployment in Korea shall, upon application to the department, accompanied by proof of active membership or former active duty status during these operations, and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06 upon which, in lieu of the registration license number prescribed by s. 320.06, shall be stamped the words "Korean Conflict Veteran," followed by the registration license number of the plate.

Section 14. Effective October 1, 2012, section 320.0892, Florida Statutes, is created to read:

320.0892 Motor vehicle license plates for recipients of the Silver Star, Distinguished Service Cross, Navy Cross, or Air Force Cross.—Upon receipt of an application and proof that the applicant meets the qualifications listed in this section for the applicable license plate, the department shall issue the license plate without payment of the license tax imposed under s. 320.08:

(1) SILVER STAR.—Any United States citizen who is a resident of Florida and who was awarded the Silver Star while serving as a member of the United States Armed Forces shall be issued a license plate on which is stamped the words "Silver Star" followed by the serial number.

(2) DISTINGUISHED SERVICE CROSS.—Any United States citizen who is a resident of Florida and who was awarded the Distinguished Service Cross while serving as a member of the United States Armed Forces shall be issued a license plate on which is stamped the words "Distinguished Service Cross" followed by the serial number.

(3) NAVY CROSS.—Any United States citizen who is a resident of Florida and who was awarded the Navy Cross while serving as a member of the United States Armed Forces shall be issued a license plate on which is stamped the words "Navy Cross" followed by the serial number.

(4) AIR FORCE CROSS.—Any United States citizen who is a resident of Florida and who was awarded the Air Force Cross while serving as a member of the United States Armed Forces shall be issued a license plate on which is stamped the words "Air Force Cross" followed by the serial number.

Section 15. Section 683.146, Florida Statutes, is created to read:

683.146 Purple Heart Day.—

(1) August 7 of each year is designated as "Purple Heart Day."

(2) The Governor may annually issue a proclamation designating August 7 as "Purple Heart Day." Public officials, schools, private organizations, and all residents of the state are encouraged to commemorate Purple Heart Day and honor those wounded or killed while serving in any branch of the United States Armed Services.

Section 16. Sections 16 through 20 of this act may be cited as the "T. Patt Maney Veterans' Treatment Intervention Act."

Section 17. Section 394.47891, Florida Statutes, is created to read:

394.47891 Military veterans and servicemembers court programs.—The chief judge of each judicial circuit may establish a Military Veterans and Servicemembers Court Program under which veterans, as defined in s. 1.01, and servicemembers, as defined in s. 250.01, who are convicted of a criminal offense and who suffer from a military-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem can be sentenced in accordance with chapter 921 in a manner that appropriately addresses the severity of the mental illness, traumatic brain injury, substance abuse disorder, or psychological problem through services tailored to the individual needs of the participant. Entry into any Military Veterans and Servicemembers Court Program must be based upon the sentencing court's assessment of the defendant's criminal history, military service, substance abuse treatment needs, mental health treatment needs, amenability to the services of the program, the recommendation of the state attorney and the victim, if any, and the defendant's agreement to enter the program.

Section 18. Present subsection (7) of section 948.08, Florida Statutes, is renumbered as subsection (8), and a new subsection (7) is added to that section, to read:

948.08 Pretrial intervention program.—

(7)(a) Notwithstanding any provision of this section, a person who is charged with a felony, other than a felony listed in s. 948.06(8)(c), and identified as a veteran, as defined in s. 1.01, or servicemember, as defined in s. 250.01, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, is eligible for voluntary admission into a pretrial veterans' treatment intervention program approved by the chief judge of the circuit, upon motion of either party or the court's own motion, except:

1. If a defendant was previously offered admission to a pretrial veterans' treatment intervention program at any time before trial and the defendant rejected that offer on the record, the court may deny the defendant's admission to such a program.

2. If a defendant previously entered a court-ordered veterans' treatment program, the court may deny the defendant's admission into the pretrial veterans' treatment program.

(b) While enrolled in a pretrial intervention program authorized by this subsection, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy should be modeled after the therapeutic jurisprudence principles and key components in s. 397.334(4), with treatment specific to the needs of servicemembers and veterans. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but need not be limited to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a pretrial veterans' treatment intervention program or other pretrial intervention program. Any person

whose charges are dismissed after successful completion of the pretrial veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record to the dismissed charges expunged under s. 943.0585.

(c) At the end of the pretrial intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the state attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the pretrial intervention program. If the court finds that the defendant has not successfully completed the pretrial intervention program, the court may order the person to continue in education and treatment, which may include treatment programs offered by licensed service providers or jail-based treatment programs, or order that the charges revert to normal channels for prosecution. The court shall dismiss the charges upon a finding that the defendant has successfully completed the pretrial intervention program.

Section 19. Section 948.16, Florida Statutes, is amended to read:

948.16 Misdemeanor pretrial substance abuse education and treatment intervention program; misdemeanor pretrial veterans' treatment intervention program.—

(1)(a) A person who is charged with a misdemeanor for possession of a controlled substance or drug paraphernalia under chapter 893, and who has not previously been convicted of a felony nor been admitted to a pretrial program, is eligible for voluntary admission into a misdemeanor pretrial substance abuse education and treatment intervention program, including a treatment-based drug court program established pursuant to s. 397.334, approved by the chief judge of the circuit, for a period based on the program requirements and the treatment plan for the offender, upon motion of either party or the court's own motion, except, if the state attorney believes the facts and circumstances of the case suggest the defendant is involved in dealing and selling controlled substances, the court shall hold a preadmission hearing. If the state attorney establishes, by a preponderance of the evidence at such hearing, that the defendant was involved in dealing or selling controlled substances, the court shall deny the defendant's admission into the pretrial intervention program.

(b) While enrolled in a pretrial intervention program authorized by this section, the participant is subject to a coordinated strategy developed by a drug court team under s. 397.334(4). The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider as defined in s. 397.311 or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a pretrial treatment-based drug court program or other pretrial intervention program. Any person whose charges are dismissed after successful completion of the treatment-based drug court program, if otherwise eligible, may have his or her arrest record and plea of nolo contendere to the dismissed charges expunged under s. 943.0585.

(2)(a) A veteran, as defined in s. 1.01, or servicemember, as defined in s. 250.01, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, and who is charged with a misdemeanor is eligible for voluntary admission into a misdemeanor pretrial veterans' treatment intervention program approved by the chief judge of the circuit, for a period based on the program's requirements and the treatment plan for the offender, upon motion of either party or the court's own motion. However, the court may deny the defendant admission into a misdemeanor pretrial veterans' treatment intervention program if the defendant has previously entered a court-ordered veterans' treatment program.

(b) While enrolled in a pretrial intervention program authorized by this section, the participant shall be subject to a coordinated strategy developed by a veterans' treatment intervention team. The coordinated strategy should be modeled after the therapeutic jurisprudence principles and key components in s. 397.334(4), with treatment specific to the needs of veterans and servicemembers. The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but need not be limited

to, placement in a treatment program offered by a licensed service provider or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a misdemeanor pretrial veterans' treatment intervention program or other pretrial intervention program. Any person whose charges are dismissed after successful completion of the misdemeanor pretrial veterans' treatment intervention program, if otherwise eligible, may have his or her arrest record to the dismissed charges expunged under s. 943.0585.

(3)(2) At the end of the pretrial intervention period, the court shall consider the recommendation of the treatment program and the recommendation of the state attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant successfully completed the pretrial intervention program. Notwithstanding the coordinated strategy developed by a drug court team pursuant to s. 397.334(4) or by the veterans' treatment intervention team, if the court finds that the defendant has not successfully completed the pretrial intervention program, the court may order the person to continue in education and treatment or return the charges to the criminal docket for prosecution. The court shall dismiss the charges upon finding that the defendant has successfully completed the pretrial intervention program.

(4)(3) Any public or private entity providing a pretrial substance abuse education and treatment program under this section shall contract with the county or appropriate governmental entity. The terms of the contract shall include, but not be limited to, the requirements established for private entities under s. 948.15(3). This requirement does not apply to services provided by the Department of Veterans' Affairs or the United States Department of Veterans Affairs.

Section 20. Section 948.21, Florida Statutes, is created to read:

948.21 Condition of probation or community control; military servicemembers and veterans.—Effective for a probationer or community controllee whose crime was committed on or after July 1, 2012, and who is a veteran, as defined in s. 1.01, or servicemember, as defined in s. 250.01, who suffers from a military service-related mental illness, traumatic brain injury, substance abuse disorder, or psychological problem, the court may, in addition to any other conditions imposed, impose a condition requiring the probationer or community controllee to participate in a treatment program capable of treating the probationer or community controllee's mental illness, traumatic brain injury, substance abuse disorder, or psychological problem. The court shall give preference to treatment programs for which the probationer or community controllee is eligible through the United States Department of Veterans Affairs or the Florida Department of Veterans Affairs. The Department of Corrections is not required to spend state funds to implement this section.

Section 21. Section 1004.075, Florida Statutes, is created to read:

1004.075 Priority course registration for veterans.—Each Florida College System institution and state university that offers priority course registration for a segment of the student population, or upon implementation of priority course registration for a segment of the student population, shall provide priority course registration for each veteran of the United States Armed Forces who is receiving GI Bill educational benefits or for the spouse or dependent children of the veteran to whom the GI Bill educational benefits have been transferred. Each eligible veteran, or his or her spouse or dependent children, shall be granted priority for course registration until the expiration of the GI Bill educational benefits.

Section 22. Section 1005.09, Florida Statutes, is created to read:

1005.09 Priority course registration for veterans.—Each independent postsecondary educational institution defined in s. 1005.02(11) that offers priority course registration for a segment of the student population, or upon implementation of priority course registration for a segment of the student population, is encouraged to provide priority course registration for each veteran of the United States Armed Forces, or his or her spouse or dependent children, who is receiving GI Bill educational benefits, in accordance with s. 1004.075.

Section 23. SP4 Thomas Berry Corbin Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. Highway 19/27A/98/State Road 55 between the Suwannee River Bridge and N.E. 592nd Street/Chavous Road/Kate Green Road in Dixie County is designated as "SP4 Thomas Berry Corbin Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating SP4 Thomas Berry Corbin Memorial Highway as described in subsection (1).

Section 24. U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. Highway 19/98/State Road 55 between N.E. 592nd Street/Chavous Road/Kate Green Road and N.E. 170th Street in Dixie County is designated as "U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway as described in subsection (1).

Section 25. Marine Lance Corporal Brian R. Buesing Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 24 between County Road 347 and Bridge Number 340053 in Levy County is designated as "Marine Lance Corporal Brian R. Buesing Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Marine Lance Corporal Brian R. Buesing Memorial Highway as described in subsection (1).

Section 26. United States Army Sergeant Karl A. Campbell Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. Highway 19/98/State Road 55/S. Main Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy County is designated as "United States Army Sergeant Karl A. Campbell Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating United States Army Sergeant Karl A. Campbell Memorial Highway as described in subsection (1).

Section 27. U.S. Army SPC James A. Page Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. Highway 27A/State Road 500/Hathaway Avenue between State Road 24/Thrasher Drive and Town Court in Levy County is designated as "U.S. Army SPC James A. Page Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating U.S. Army SPC James A. Page Memorial Highway as described in subsection (1).

Section 28. USS Stark Memorial Drive designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 101/Mayport Road between State Road A1A and Wonderwood Connector in Duval County is designated as "USS Stark Memorial Drive."

(2) The Department of Transportation is directed to erect suitable markers designating USS Stark Memorial Drive as described in subsection (1).

Section 29. Captain Jim Reynolds, Jr., USAF "Malibu" Road designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 44 between U.S. Highway 441 and State Road 44/East Orange Avenue near the City of Eustis in Lake County is designated as "Captain Jim Reynolds, Jr., USAF 'Malibu' Road."

(2) The Department of Transportation is directed to erect suitable markers designating Captain Jim Reynolds, Jr., USAF "Malibu" Road as described in subsection (1).

Section 30. Veterans Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 19 between U.S. 17/State Road 15 and Carriage Drive in Putnam County is designated as "Veterans Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Veterans Memorial Highway as described in subsection (1).

Section 31. U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 513 between Banana River Drive and Eau Gallie Boulevard in Brevard County is designated as "U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway as described in subsection (1).

Section 32. U.S. Marine Corps Corporal Dustin Schrage Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road A1A between Pinetree Drive and Eau Gallie Boulevard in Brevard County is designated as "U.S. Marine Corps Corporal Dustin Schrage Highway."

(2) The Department of Transportation is directed to erect suitable markers designating U.S. Marine Corps Corporal Dustin Schrage Highway as described in subsection (1).

Section 33. Purple Heart Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 20/John Sims Parkway (57-040-000) between State Road 85 and the Walton County Line in Okaloosa County is designated as "Purple Heart Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Purple Heart Memorial Highway as described in subsection (1).

Section 34. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2012.

TITLE AMENDMENT

Remove the entire title and insert:

A bill to be entitled

An act relating to military support; amending s. 14.34, F.S.; revising the definition of "exceptional meritorious service" with respect to the Governor's Medal of Merit; amending s. 163.3175, F.S.; authorizing the Florida Defense Support Task Force to recommend to the Legislature specified changes in military installations and local governments under the Community Planning Act; clarifying and revising procedures related to exchange of information between military installations and local governments under the act; amending s. 196.173, F.S.; authorizing servicemembers who receive a homestead exemption and who are deployed in certain military operations to receive an additional ad valorem tax exemption; providing a deadline for claiming tax exemptions for qualifying deployments during the 2011 calendar year; providing procedures and requirements for filing applications and petitions to receive the tax exemption after expiration of the deadline; providing application; amending s. 265.003, F.S.; creating the Florida Veterans' Hall of Fame Council; providing for membership and terms of appointment; providing for the appointment of a chair; providing for meetings, a quorum, and voting; providing for reimbursement of travel expenses; providing for the removal of an appointee; providing for the Florida Veterans' Hall of Fame Council rather than the Department of Veterans' Affairs to select nominees for induction into the Florida Veterans' Hall of Fame and to establish the criteria for selection; amending s. 288.972, F.S.; revising legislative intent with respect to proposed closure or reuse of military bases; amending s. 288.980, F.S.; creating the Military Base Protection Program within the Department of Economic Opportunity; providing for use of program funds; revising provisions relating to the award of grants for retention of military installations; revising a definition; eliminating the Florida Economic Reinvestment Initiative; establishing the Florida Defense Reinvestment Grant Program to be administered by the Department of Economic Opportunity; specifying purposes of the program; specifying activities for which grant awards may be provided; eliminating the Defense-Related Business Adjustment Program, the Florida Defense Planning Grant Program, the Florida Defense Implementation Grant Program, the Florida Military Installation Reuse Planning and Marketing Grant Program, and the Retention of Military Installations Program; transferring and reassigning the functions and responsibilities of the Florida Council on Military Base and Mission Support within the Department of Economic Opportunity to the Florida Defense Support Task Force within the Department of Economic Opportunity by type two transfer; repealing s. 288.984, F.S., which

establishes the Florida Council on Military Base and Mission Support and provides purposes thereof; amending s. 288.985, F.S.; conforming provisions relating to exempt records and meetings of the Council on Military Base and Mission Support; amending s. 288.987, F.S.; revising provisions relating to the Florida Defense Support Task Force, to conform; amending s. 295.187, F.S.; revising legislative intent; renaming and revising the Florida Service-Disabled Veteran Business Enterprise Opportunity Act to expand the vendor preference in state contracting to include certain businesses owned and operated by wartime veterans or veterans of a period of war; amending s. 320.089, F.S.; providing for the issuance of a Combat Infantry Badge license plate; providing qualifications and requirements for the plate; providing for the use of proceeds from the sale of the plate; providing for issuance of a Vietnam War Veterans' license plate and the Korean Conflict Veterans' license plate; providing qualifications and requirements for the plates; creating s. 320.0892, F.S.; providing for the Department of Highway Safety and Motor Vehicles to issue Silver Star, Distinguished Service Cross, Navy Cross, and Air Force Cross license plates, without payment of the license tax, to persons meeting specified criteria; creating s. 683.146, F.S.; designating August 7 of each year as "Purple Heart Day"; providing a short title; creating s. 394.47891, F.S.; authorizing the chief judge of each judicial circuit to establish a Military Veterans and Servicemembers Court Program for specified veterans and servicemembers; providing criteria for entry into the program; authorizing a judge to impose a condition of supervision upon specified probationers and community controllees requiring such person to participate in a treatment program; requiring the court to give preference to certain treatment programs; providing that the Department of Corrections is not required to spend state funds to implement these provisions; amending s. 948.08, F.S.; creating a pretrial veterans' and servicemembers' treatment intervention program; providing requirements for a defendant to be voluntarily admitted to the pretrial program; providing certain exceptions to such admission; providing for the disposition of pending charges following a defendant's completion of the pretrial intervention program; providing for the charges to be expunged under certain circumstances; amending s. 948.16, F.S.; creating a misdemeanor pretrial veterans' treatment intervention program; providing requirements for voluntary admission to the misdemeanor pretrial program; providing for the misdemeanor charges to be expunged under certain circumstances; exempting treatment services provided by the Department of Veterans' Affairs or the United States Department of Veterans Affairs from certain contract requirements; creating s. 948.21, F.S.; authorizing a judge to impose a condition of supervision upon specified probationers and community controllees requiring such person to participate in a treatment program; requiring the court to give preference to certain treatment programs; providing that the Department of Corrections is not required to spend state funds to implement these provisions; creating s. 1004.075, F.S.; requiring certain Florida College System institutions and state universities to provide priority course registration for veterans; providing eligibility requirements; creating s. 1005.09, F.S.; encouraging certain independent postsecondary educational institutions to provide priority course registration for veterans; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing effective dates.

Rep. Nelson moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 364—A bill to be entitled An act relating to blood establishments; amending s. 381.06014, F.S.; redefining the term "blood establishment" and defining the term "volunteer donor"; prohibiting local governments from restricting access to public facilities or infrastructure for certain activities based on whether a blood establishment is operating as a for-profit organization or not-for-profit organization; prohibiting a blood establishment from considering whether certain customers are operating as for-profit organizations or not-for-profit organizations when determining service fees for selling blood or blood components; requiring that certain blood establishments disclose specified information on the Internet; authorizing the Department of Legal Affairs to assess a civil penalty against a

blood establishment that fails to disclose specified information on the Internet; providing that the civil penalty accrues to the state and requiring that it be deposited as received into the General Revenue Fund; amending s. 499.003, F.S.; redefining the term "health care entity" to clarify that a blood establishment is a health care entity that may engage in certain activities; amending s. 499.005, F.S.; clarifying provisions that prohibit the unauthorized wholesale distribution of a prescription drug that was purchased by a hospital or other health care entity or donated or supplied at a reduced price to a charitable organization, to conform to changes made by the act; amending s. 499.01, F.S.; exempting certain blood establishments from the requirements to be permitted as a prescription drug manufacturer and register products; requiring that certain blood establishments obtain a restricted prescription drug distributor permit under specified conditions; limiting the prescription drugs that a blood establishment may distribute under a restricted prescription drug distributor permit; authorizing the Department of Business and Professional Regulation to adopt rules regarding the distribution of prescription drugs by blood establishments; providing an effective date.

—was read the second time by title.

On motion by Rep. Eisnaugle, **CS for SB 364** was substituted for **CS/CS/HB 475**. Under Rule 5.14, the House bill was laid on the table.

Representative Eisnaugle offered the following:

(Amendment Bar Code: 982397)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 381.06014, Florida Statutes, is amended to read:
381.06014 Blood establishments.—

(1) As used in this section, the term:

(a) "Blood establishment" means any person, entity, or organization, operating within the state, which examines an individual for the purpose of blood donation or which collects, processes, stores, tests, or distributes blood or blood components collected from the human body for the purpose of transfusion, for any other medical purpose, or for the production of any biological product. A person, entity, or organization that uses a mobile unit to conduct such activities within the state is also a blood establishment.

(b) "Volunteer donor" means a person who does not receive remuneration, other than an incentive, for a blood donation intended for transfusion, and the product container of the donation from the person qualifies for labeling with the statement "volunteer donor" under 21 C.F.R. s. 606.121.

(2) Any blood establishment operating in the state may not conduct any activity defined in paragraph (1)(a) subsection (1) unless that blood establishment is operated in a manner consistent with the provisions of Title 21 C.F.R. parts 211 and 600-640, Code of Federal Regulations.

(3) Any blood establishment determined to be operating in the state in a manner not consistent with the provisions of Title 21 C.F.R. parts 211 and 600-640, Code of Federal Regulations, and in a manner that constitutes a danger to the health or well-being of donors or recipients as evidenced by the federal Food and Drug Administration's inspection reports and the revocation of the blood establishment's license or registration is shall be in violation of this chapter and must shall immediately cease all operations in the state.

(4) The operation of a blood establishment in a manner not consistent with the provisions of Title 21 C.F.R. parts 211 and 600-640, Code of Federal Regulations, and in a manner that constitutes a danger to the health or well-being of blood donors or recipients as evidenced by the federal Food and Drug Administration's inspection process is declared a nuisance and inimical to the public health, welfare, and safety. The Agency for Health Care Administration or any state attorney may bring an action for an injunction to restrain such operations or enjoin the future operation of the blood establishment.

(5) A local government may not restrict the access to or use of any public facility or infrastructure for the collection of blood or blood components from volunteer donors based on whether the blood establishment is operating as a for-profit organization or not-for-profit organization.

(6) In determining the service fee of blood or blood components received from volunteer donors and sold to hospitals or other health care providers, a blood establishment may not base the service fee of the blood or blood component solely on whether the purchasing entity is a for-profit organization or not-for-profit organization.

(7) A blood establishment that collects blood or blood components from volunteer donors must disclose on the Internet the information required under this subsection to educate and inform donors and the public about the blood establishment's activities. A hospital that collects blood or blood components to be used only by that hospital's licensed facilities or by a health care provider that is a part of the hospital's business entity is exempt from the disclosure requirements in this subsection. The information required to be disclosed under this subsection may be cumulative for all blood establishments within a business entity. A blood establishment must disclose on its website all of the following information:

(a) A description of the steps involved in collecting, processing, and distributing volunteer donations.

(b) By March 1 of each year, the number of units of blood components which were:

1. Produced by the blood establishment during the preceding calendar year;

2. Obtained from other sources during the preceding calendar year;

3. Distributed during the preceding calendar year to health care providers located outside this state. However, if the blood establishment collects donations in a county outside this state, distributions to health care providers in that county shall be excluded. Such information shall be reported in the aggregate for health care providers located within the United States and its territories or outside the United States and its territories; and

4. Distributed during the preceding calendar year to entities that are not health care providers. Such information shall be reported in the aggregate for purchasers located within the United States and its territories or outside the United States and its territories.

(c) The blood establishment's conflict-of-interest policy, policy concerning related-party transactions, whistleblower policy, and policy for determining executive compensation. If a change occurs to any of these documents, the revised document must be available on the blood establishment's website by the following March 1.

(d) Except for a hospital that collects blood or blood components from volunteer donors:

1. The most recent 3 years of the Return of Organization Exempt from Income Tax, Internal Revenue Service Form 990, if the business entity for the blood establishment is eligible to file such return. The Form 990 must be available on the blood establishment's website within 60 calendar days after it is filed with the Internal Revenue Service; or

2. If the business entity for the blood establishment is not eligible to file the Form 990 return, a balance sheet, income statement, and statement of changes in cash flow, along with the expression of an opinion thereon by an independent certified public accountant who audited or reviewed such financial statements. Such documents must be available on the blood establishment's website within 120 days after the end of the blood establishment's fiscal year and must remain on the blood establishment's website for at least 36 months.

(8) A blood establishment is liable for a civil penalty for failing to make the disclosures required under subsection (7). The Department of Legal Affairs may assess the civil penalty against the blood establishment for each day that it fails to make such required disclosures, but the penalty may not exceed \$10,000 per year. If multiple blood establishments operated by a single business entity fail to meet such disclosure requirements, the civil penalty may be assessed against only one of the business entity's blood establishments. The Department of Legal Affairs may terminate an action if the blood establishment agrees to pay a stipulated civil penalty. A civil penalty so collected accrues to the state and shall be deposited as received into the General Revenue Fund unallocated. The Department of Legal Affairs may terminate the action and waive the civil penalty upon a showing of good cause by the blood establishment as to why the required disclosures were not made.

Section 2. Subsection (23) of section 499.003, Florida Statutes, is amended to read:

499.003 Definitions of terms used in this part.—As used in this part, the term:

(23) "Health care entity" means a closed pharmacy or any person, organization, or business entity that provides diagnostic, medical, surgical, or dental treatment or care, or chronic or rehabilitative care, but does not include any wholesale distributor or retail pharmacy licensed under state law to deal in prescription drugs. However, a blood establishment is a health care entity that may engage in the wholesale distribution of prescription drugs under s. 499.01(2)(g)1.c.

Section 3. Subsection (21) of section 499.005, Florida Statutes, is amended to read:

499.005 Prohibited acts.—It is unlawful for a person to perform or cause the performance of any of the following acts in this state:

(21) The wholesale distribution of any prescription drug that was:

- (a) Purchased by a public or private hospital or other health care entity; or
- (b) Donated or supplied at a reduced price to a charitable organization,

unless the wholesale distribution of the prescription drug is authorized in s. 499.01(2)(g)1.c.

Section 4. Paragraphs (a) and (g) of subsection (2) of section 499.01, Florida Statutes, are amended to read:

499.01 Permits.—

(2) The following permits are established:

(a) Prescription drug manufacturer permit.—A prescription drug manufacturer permit is required for any person that is a manufacturer of a prescription drug and that manufactures or distributes such prescription drugs in this state.

1. A person that operates an establishment permitted as a prescription drug manufacturer may engage in wholesale distribution of prescription drugs manufactured at that establishment and must comply with all of the provisions of this part, except s. 499.01212, and the rules adopted under this part, except s. 499.01212, which that apply to a wholesale distributor.

2. A prescription drug manufacturer must comply with all appropriate state and federal good manufacturing practices.

3. A blood establishment, as defined in s. 381.06014, operating in a manner consistent with the provisions of 21 C.F.R. parts 211 and 600-640, and manufacturing only the prescription drugs described in s. 499.003(54)(d) is not required to be permitted as a prescription drug manufacturer under this paragraph or to register products under s. 499.015.

(g) Restricted prescription drug distributor permit.—

1. A restricted prescription drug distributor permit is required for:

a. Any person located in this state who that engages in the distribution of a prescription drug, which distribution is not considered "wholesale distribution" under s. 499.003(54)(a).

b. ~~Any~~ Any ~~A~~ person located in this state who engages in the receipt or distribution of a prescription drug in this state for the purpose of processing its return or its destruction ~~must obtain a permit as a restricted prescription drug distributor~~ if such person is not the person initiating the return, the prescription drug wholesale supplier of the person initiating the return, or the manufacturer of the drug.

c. A blood establishment located in this state which collects blood and blood components only from volunteer donors as defined in s. 381.06014 or pursuant to an authorized practitioner's order for medical treatment or therapy and engages in the wholesale distribution of a prescription drug not described in s. 499.003(54)(d) to a health care entity. A mobile blood unit operated by a blood establishment permitted under this sub-subparagraph is not required to be separately permitted. The health care entity receiving a prescription drug distributed under this sub-subparagraph must be licensed as a closed pharmacy or provide health care services at that establishment. The blood establishment must operate in accordance with s. 381.06014 and may distribute only:

(I) Prescription drugs indicated for a bleeding or clotting disorder or anemia;

(II) Blood-collection containers approved under s. 505 of the federal act;

(III) Drugs that are blood derivatives, or a recombinant or synthetic form of a blood derivative;

(IV) Prescription drugs that are identified in rules adopted by the department and that are essential to services performed or provided by blood establishments and authorized for distribution by blood establishments under federal law; or

(V) To the extent authorized by federal law, drugs necessary to collect blood or blood components from volunteer blood donors; for blood establishment personnel to perform therapeutic procedures under the direction and supervision of a licensed physician; and to diagnose, treat, manage, and prevent any reaction of a volunteer blood donor or a patient undergoing a therapeutic procedure performed under the direction and supervision of a licensed physician.

as long as all of the health care services provided by the blood establishment are related to its activities as a registered blood establishment or the health care services consist of collecting, processing, storing, or administering human hematopoietic stem cells or progenitor cells or performing diagnostic testing of specimens if such specimens are tested together with specimens undergoing routine donor testing. The blood establishment may purchase and possess the drugs described in this sub-subparagraph without a health care clinic establishment permit.

2. Storage, handling, and recordkeeping of these distributions by a person required to be permitted as a restricted prescription drug distributor must be in accordance ~~comply~~ with the requirements for wholesale distributors under s. 499.0121, but not those set forth in s. 499.01212 if the distribution occurs pursuant to sub-subparagraph 1.a. or sub-subparagraph 1.b.

3. A person who applies for a permit as a restricted prescription drug distributor, or for the renewal of such a permit, must provide to the department the information required under s. 499.012.

4. The department may adopt rules regarding the distribution of prescription drugs by hospitals, health care entities, charitable organizations, ~~or~~ other persons not involved in wholesale distribution, and blood establishments, which rules are necessary for the protection of the public health, safety, and welfare.

Section 5. This act shall take effect July 1, 2012.

TITLE AMENDMENT

Remove the entire title and insert:

A bill to be entitled

An act relating to blood establishments; amending s. 381.06014, F.S.; redefining the term "blood establishment" and defining the term "volunteer donor"; prohibiting local governments from restricting access to public facilities or infrastructure for certain activities based on whether a blood establishment is operating as a for-profit organization or not-for-profit organization; prohibiting a blood establishment from considering whether certain customers are operating as for-profit organizations or not-for-profit organizations when determining service fees for selling blood or blood components; requiring that certain blood establishments disclose specified information on the Internet; authorizing the Department of Legal Affairs to assess a civil penalty against a blood establishment that fails to disclose specified information on the Internet; providing that the civil penalty accrues to the state and requiring that it be deposited as received into the General Revenue Fund; amending s. 499.003, F.S.; redefining the term "health care entity" to clarify that a blood establishment is a health care entity that may engage in certain activities; amending s. 499.005, F.S.; clarifying provisions that prohibit the unauthorized wholesale distribution of a prescription drug that was purchased by a hospital or other health care entity or donated or supplied at a reduced price to a charitable organization, to conform to changes made by the act; amending s. 499.01, F.S.; exempting certain blood establishments from the requirements to be permitted as a prescription drug manufacturer and register products; requiring that certain blood establishments obtain a restricted prescription drug distributor permit under specified conditions; limiting the prescription drugs that a blood establishment may distribute under a restricted prescription drug distributor permit; authorizing the

Department of Business and Professional Regulation to adopt rules regarding the distribution of prescription drugs by blood establishments; providing an effective date.

Rep. Eisnaugle moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for CS for CS for SB 694—A bill to be entitled An act relating to adult day care centers; amending s. 429.917, F.S.; prohibiting an adult day care center from claiming to be licensed or designated as a specialized Alzheimer's services adult day care center under certain circumstances; creating s. 429.918, F.S.; providing a short title; providing definitions; providing for the licensure designation of adult day care centers that provide specialized Alzheimer's services by the Agency for Health Care Administration; providing for the denial or revocation of such designation under certain circumstances; requiring an adult day care center seeking such designation to meet specified criteria; providing educational and experience requirements for the operator of an adult day care center seeking licensure designation as a specialized Alzheimer's services adult day care center; providing criteria for staff training and supervision; requiring the Department of Elderly Affairs to approve the staff training; requiring the department to adopt rules; requiring that the employee be issued a certificate upon completion of the staff training; providing requirements for staff orientation; providing requirements for admission into such an adult day care center; requiring that a participant's file include a data sheet, which shall be completed within a certain timeframe; requiring that certain information be included in the data sheet; requiring that dementia-specific services be documented in a participant's file; requiring that a participant's plan of care be reviewed quarterly; requiring that certain notes be entered into a participant's file; requiring the participant, or caregiver, to provide the adult day care center with updated medical documentation; requiring the center to give each person who enrolls as a participant, or the caregiver, a copy of the participant's plan of care and safety information; requiring that the center coordinate and execute discharge procedures with a participant who has a documented diagnosis of Alzheimer's disease or a dementia-related disorder and the caregiver if the participant's enrollment in the center is involuntarily terminated; providing that the act does not prohibit a licensed adult day care center that does not receive such a designation from providing adult day care services to persons who have Alzheimer's disease or other dementia-related disorders; authorizing the Department of Elderly Affairs to adopt rules; providing an effective date.

—was read the second time by title.

On motion by Rep. Corcoran, **CS for CS for CS for SB 694** was substituted for **CS/CS/HB 529**. Under Rule 5.14, the House bill was laid on the table.

Representative Corcoran offered the following:

(Amendment Bar Code: 854775)

Amendment 1—Remove lines 76-77 and insert:

(1) This act may be cited as the "Specialized Alzheimer's Services Adult Day Care Act."

Rep. Corcoran moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 730—A bill to be entitled An act relating to Medicaid managed care plans; amending s. 409.9122, F.S.; requiring the Agency for Health Care Administration to establish per-member, per-month payments; substituting the Medicare Advantage Coordinated Care Plan for the Medicare Advantage Special Needs Plan; amending s. 409.962, F.S.; revising the definition of "eligible plan" to include certain Medicare plans; amending s. 409.967, F.S.; limiting the penalty that a plan must pay if it leaves a region before the end of the contract term; amending s. 409.974, F.S.; correcting a cross-reference;

providing that certain Medicare plans are not subject to procurement requirements or plan limits; amending s. 409.977, F.S.; requiring dually eligible Medicaid recipients to be enrolled in the Medicare plan in which they are already enrolled; amending s. 409.981, F.S.; revising the list of Medicare plans that are not subject to procurement requirements for long-term care plans; amending s. 409.984, F.S.; revising the list of Medicare plans in which dually eligible Medicaid recipients are enrolled in order to receive long-term care; providing an effective date.

—was read the second time by title.

On motion by Rep. Ingram, **CS for SB 730** was substituted for **CS/HB 727**. Under Rule 5.14, the House bill was laid on the table.

Representative Schenck offered the following:

(Amendment Bar Code: 173059)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (4) and subsection (21) of section 409.912, Florida Statutes, are amended to read:

409.912 Cost-effective purchasing of health care.—The agency shall purchase goods and services for Medicaid recipients in the most cost-effective manner consistent with the delivery of quality medical care. To ensure that medical services are effectively utilized, the agency may, in any case, require a confirmation or second physician's opinion of the correct diagnosis for purposes of authorizing future services under the Medicaid program. This section does not restrict access to emergency services or poststabilization care services as defined in 42 C.F.R. part 438.114. Such confirmation or second opinion shall be rendered in a manner approved by the agency. The agency shall maximize the use of prepaid per capita and prepaid aggregate fixed-sum basis services when appropriate and other alternative service delivery and reimbursement methodologies, including competitive bidding pursuant to s. 287.057, designed to facilitate the cost-effective purchase of a case-managed continuum of care. The agency shall also require providers to minimize the exposure of recipients to the need for acute inpatient, custodial, and other institutional care and the inappropriate or unnecessary use of high-cost services. The agency shall contract with a vendor to monitor and evaluate the clinical practice patterns of providers in order to identify trends that are outside the normal practice patterns of a provider's professional peers or the national guidelines of a provider's professional association. The vendor must be able to provide information and counseling to a provider whose practice patterns are outside the norms, in consultation with the agency, to improve patient care and reduce inappropriate utilization. The agency may mandate prior authorization, drug therapy management, or disease management participation for certain populations of Medicaid beneficiaries, certain drug classes, or particular drugs to prevent fraud, abuse, overuse, and possible dangerous drug interactions. The Pharmaceutical and Therapeutics Committee shall make recommendations to the agency on drugs for which prior authorization is required. The agency shall inform the Pharmaceutical and Therapeutics Committee of its decisions regarding drugs subject to prior authorization. The agency is authorized to limit the entities it contracts with or enrolls as Medicaid providers by developing a provider network through provider credentialing. The agency may competitively bid single-source-provider contracts if procurement of goods or services results in demonstrated cost savings to the state without limiting access to care. The agency may limit its network based on the assessment of beneficiary access to care, provider availability, provider quality standards, time and distance standards for access to care, the cultural competence of the provider network, demographic characteristics of Medicaid beneficiaries, practice and provider-to-beneficiary standards, appointment wait times, beneficiary use of services, provider turnover, provider profiling, provider licensure history, previous program integrity investigations and findings, peer review, provider Medicaid policy and billing compliance records, clinical and medical record audits, and other factors. Providers are not entitled to enrollment in the Medicaid provider network. The agency shall determine instances in which allowing Medicaid

beneficiaries to purchase durable medical equipment and other goods is less expensive to the Medicaid program than long-term rental of the equipment or goods. The agency may establish rules to facilitate purchases in lieu of long-term rentals in order to protect against fraud and abuse in the Medicaid program as defined in s. 409.913. The agency may seek federal waivers necessary to administer these policies.

(4) The agency may contract with:

(b) An entity that is providing comprehensive behavioral health care services to certain Medicaid recipients through a capitated, prepaid arrangement pursuant to the federal waiver provided for by s. 409.905(5). Such entity must be licensed under chapter 624, chapter 636, or chapter 641, or authorized under paragraph (c) or paragraph (d), and must possess the clinical systems and operational competence to manage risk and provide comprehensive behavioral health care to Medicaid recipients. As used in this paragraph, the term "comprehensive behavioral health care services" means covered mental health and substance abuse treatment services that are available to Medicaid recipients. The secretary of the Department of Children and Family Services shall approve provisions of procurements related to children in the department's care or custody before enrolling such children in a prepaid behavioral health plan. Any contract awarded under this paragraph must be competitively procured. In developing the behavioral health care prepaid plan procurement document, the agency shall ensure that the procurement document requires the contractor to develop and implement a plan to ensure compliance with s. 394.4574 related to services provided to residents of licensed assisted living facilities that hold a limited mental health license. Except as provided in subparagraph 5., and except in counties where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211, the agency shall seek federal approval to contract with a single entity meeting these requirements to provide comprehensive behavioral health care services to all Medicaid recipients not enrolled in a Medicaid managed care plan authorized under s. 409.91211, a provider service network authorized under paragraph (d), or a Medicaid health maintenance organization in an AHCA area. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and are subject to this paragraph. Each entity must offer a sufficient choice of providers in its network to ensure recipient access to care and the opportunity to select a provider with whom they are satisfied. The network shall include all public mental health hospitals. To ensure unimpaired access to behavioral health care services by Medicaid recipients, all contracts issued pursuant to this paragraph must require 80 percent of the capitation paid to the managed care plan, including health maintenance organizations and capitated provider service networks, to be expended for the provision of behavioral health care services. If the managed care plan expends less than 80 percent of the capitation paid for the provision of behavioral health care services, the difference shall be returned to the agency. The agency shall provide the plan with a certification letter indicating the amount of capitation paid during each calendar year for behavioral health care services pursuant to this section. The agency may reimburse for substance abuse treatment services on a fee-for-service basis until the agency finds that adequate funds are available for capitated, prepaid arrangements.

1. The agency shall modify the contracts with the entities providing comprehensive inpatient and outpatient mental health care services to Medicaid recipients in Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to include substance abuse treatment services.

2. Except as provided in subparagraph 5., the agency and the Department of Children and Family Services shall contract with managed care entities in each AHCA area except area 6 or arrange to provide comprehensive inpatient and outpatient mental health and substance abuse services through capitated prepaid arrangements to all Medicaid recipients who are eligible to participate in such plans under federal law and regulation. In AHCA areas where eligible individuals number less than 150,000, the agency shall contract with a single managed care plan to provide comprehensive behavioral health services to all recipients who are not enrolled in a Medicaid health maintenance organization, a provider service network authorized under paragraph (d), or a Medicaid

capitated managed care plan authorized under s. 409.91211. The agency may contract with more than one comprehensive behavioral health provider to provide care to recipients who are not enrolled in a Medicaid capitated managed care plan authorized under s. 409.91211, a provider service network authorized under paragraph (d), or a Medicaid health maintenance organization in AHCA areas where the eligible population exceeds 150,000. In an AHCA area where the Medicaid managed care pilot program is authorized pursuant to s. 409.91211 in one or more counties, the agency may procure a contract with a single entity to serve the remaining counties as an AHCA area or the remaining counties may be included with an adjacent AHCA area and shall be subject to this paragraph. Contracts for comprehensive behavioral health providers awarded pursuant to this section shall be competitively procured. Both for-profit and not-for-profit corporations are eligible to compete. Managed care plans contracting with the agency under subsection (3) or paragraph (d) shall provide and receive payment for the same comprehensive behavioral health benefits as provided in AHCA rules, including handbooks incorporated by reference. In AHCA area 11, the agency shall contract with at least two comprehensive behavioral health care providers to provide behavioral health care to recipients in that area who are enrolled in, or assigned to, the MediPass program. One of the behavioral health care contracts must be with the existing provider service network pilot project, as described in paragraph (d), for the purpose of demonstrating the cost-effectiveness of the provision of quality mental health services through a public hospital-operated managed care model. Payment shall be at an agreed-upon capitated rate to ensure cost savings. Of the recipients in area 11 who are assigned to MediPass under s. 409.9122(2)(k), a minimum of 50,000 of those MediPass-enrolled recipients shall be assigned to the existing provider service network in area 11 for their behavioral care.

3. Children residing in a statewide inpatient psychiatric program, or in a Department of Juvenile Justice or a Department of Children and Family Services residential program approved as a Medicaid behavioral health overlay services provider may not be included in a behavioral health care prepaid health plan or any other Medicaid managed care plan pursuant to this paragraph.

4. Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

5. All Medicaid-eligible children, except children in area 1 and children in Highlands County, Hardee County, Polk County, or Manatee County of area 6, that are open for child welfare services in the statewide automated child welfare information system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies through a single agency or formal agreements among several agencies. The agency shall work with the specialty plan to develop clinically effective, evidence-based alternatives as a downward substitution for the statewide inpatient psychiatric program and similar residential care and institutional services. The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms to maximize state and local revenues. The specialty prepaid plan shall be developed by the agency and the Department of Children and Family Services. The agency may seek federal waivers to implement this initiative. Medicaid-eligible children whose cases are open for child welfare services in the statewide automated child welfare information system and who reside in AHCA area 10 shall be enrolled in a capitated provider service network or other capitated managed care plan, which, in coordination with available community-based care providers specified in s. 409.1671, shall provide sufficient medical, developmental, and behavioral health services to meet the needs of these children.

Effective July 1, 2012, in order to ensure continuity of care, the agency is authorized to extend or modify current contracts based on current service areas or on a regional basis, as determined appropriate by the agency, with

comprehensive behavioral health care providers as described in this paragraph during the period prior to its expiration. This paragraph expires October 1, 2014.

(21) The agency may impose a fine for a violation of this section or the contract with the agency by a person or entity that is under contract with the agency. With respect to any nonwillful violation, such fine shall not exceed \$2,500 per violation. In no event shall such fine exceed an aggregate amount of \$10,000 for all nonwillful violations arising out of the same action. With respect to any knowing and willful violation of this section or the contract with the agency, the agency may impose a fine upon the entity in an amount not to exceed \$20,000 for each such violation. In no event shall such fine exceed an aggregate amount of \$100,000 for all knowing and willful violations arising out of the same action. ~~This subsection expires October 1, 2014.~~

Section 2. Subsection (21) is added to section 409.9122, Florida Statutes, to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.—

(21) If required as a condition of a waiver, the agency may calculate a medical loss ratio for managed care plans. The calculation shall utilize uniform financial data collected from all plans and shall be computed for each plan on a statewide basis. The method for calculating the medical loss ratio shall meet the following criteria:

(a) Except as provided in paragraphs (b) and (c), expenditures shall be classified in a manner consistent with 45 C.F.R. part 158.

(b) Funds provided by plans to graduate medical education institutions to underwrite the costs of residency positions shall be classified as medical expenditures, provided the funding is sufficient to sustain the position for the number of years necessary to complete the residency requirements and the residency positions funded by the plans are active providers of care to Medicaid and uninsured patients.

(c) Prior to final determination of the medical loss ratio for any period, a plan may contribute to a designated state trust fund for the purpose of supporting Medicaid and indigent care and have the contribution counted as a medical expenditure for the period.

Section 3. Section 409.961, Florida Statutes, is amended to read:

409.961 Statutory construction; applicability; rules.—It is the intent of the Legislature that if any conflict exists between the provisions contained in this part and in other parts of this chapter, the provisions in this part control. Sections 409.961–409.985 apply only to the Medicaid managed medical assistance program and long-term care managed care program, as provided in this part. The agency shall adopt any rules necessary to comply with or administer this part and all rules necessary to comply with federal requirements. In addition, the department shall adopt and accept the transfer of any rules necessary to carry out the department's responsibilities for receiving and processing Medicaid applications and determining Medicaid eligibility and for ensuring compliance with and administering this part, as those rules relate to the department's responsibilities, and any other provisions related to the department's responsibility for the determination of Medicaid eligibility. Contracts with the agency and a person or entity, including Medicaid providers and managed care plans, necessary to administer the Medicaid program are not rules and are not subject to chapter 120.

Section 4. Subsections (4) and (6) of section 409.962, Florida Statutes, are amended to read:

409.962 Definitions.—As used in this part, except as otherwise specifically provided, the term:

(4) "Comprehensive long-term care plan" means a managed care plan, including a Medicare Advantage Special Needs Plan organized as a preferred provider organization, provider-sponsored organization, health maintenance organization, or coordinated care plan, that provides services described in s. 409.973 and also provides the services described in s. 409.98.

(6) "Eligible plan" means a health insurer authorized under chapter 624, an exclusive provider organization authorized under chapter 627, a health maintenance organization authorized under chapter 641, or a provider service network authorized under s. 409.912(4)(d) or an accountable care organization authorized under federal law. For purposes of the managed medical assistance program, the term also includes the Children's Medical Services Network

authorized under chapter 391 ~~and—For purposes of the long-term care managed care program, the term also includes~~ entities qualified under 42 C.F.R. part 422 as Medicare Advantage Preferred Provider Organizations, Medicare Advantage Provider-sponsored Organizations, Medicare Advantage Health Maintenance Organizations, Medicare Advantage Coordinated Care Plans, and Medicare Advantage Special Needs Plans, and the Program of All-inclusive Care for the Elderly.

Section 5. Paragraph (c) of subsection (3) of section 409.966, Florida Statutes, is amended to read:

409.966 Eligible plans; selection.—

(3) QUALITY SELECTION CRITERIA.—

(c) After negotiations are conducted, the agency shall select the eligible plans that are determined to be responsive and provide the best value to the state. Preference shall be given to plans that:

1. Have signed contracts with primary and specialty physicians in sufficient numbers to meet the specific standards established pursuant to s. 409.967(2)(b).

2. Have well-defined programs for recognizing patient-centered medical homes and providing for increased compensation for recognized medical homes, as defined by the plan.

3. Are organizations that are based in and perform operational functions in this state, in-house or through contractual arrangements, by staff located in this state. Using a tiered approach, the highest number of points shall be awarded to a plan that has all or substantially all of its operational functions, including all call center functions, performed in the state. The second highest number of points shall be awarded to a plan that has a majority of its operational functions performed in the state. The agency may establish a third tier; however, preference points may not be awarded to plans that perform only community outreach, medical director functions, and state administrative functions in the state. For purposes of this subparagraph, operational functions include corporate headquarters, all call center functions, claims processing, member services, provider relations, utilization and prior authorization, case management, disease and quality functions, and finance and administration. For purposes of this subparagraph, the term "corporate headquarters" ~~"based in this state"~~ means that the entity's principal office of is in this state and the organization, which may not be plan is not a subsidiary, directly or indirectly through one or more subsidiaries of, or a joint venture with, any other entity whose principal office is not located in the state.

4. Have contracts or other arrangements for cancer disease management programs that have a proven record of clinical efficiencies and cost savings.

5. Have contracts or other arrangements for diabetes disease management programs that have a proven record of clinical efficiencies and cost savings.

6. Have a claims payment process that ensures that claims that are not contested or denied will be promptly paid pursuant to s. 641.3155.

Section 6. Paragraph (h) of subsection (2) of section 409.967, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

409.967 Managed care plan accountability.—

(2) The agency shall establish such contract requirements as are necessary for the operation of the statewide managed care program. In addition to any other provisions the agency may deem necessary, the contract must require:

(h) Penalties.—

1. Withdrawal and enrollment reduction.—Managed care plans that reduce enrollment levels or leave a region before the end of the contract term must reimburse the agency for the cost of enrollment changes and other transition activities. If more than one plan leaves a region at the same time, costs must be shared by the departing plans proportionate to their enrollments. In addition to the payment of costs, departing provider services networks must pay a per-enrollee per-enrollee penalty of up to 3 months' payment and continue to provide services to the enrollee for 90 days or until the enrollee is enrolled in another plan, whichever occurs first. In addition to payment of costs, all other departing plans must pay a penalty of 25 percent of that portion of the minimum surplus maintained requirement pursuant to s. 641.225(1) which is attributable to the provision of coverage to Medicaid enrollees. Plans shall provide at least 180 days' notice to the agency before withdrawing from a region. If a managed care plan leaves a region before the end of the contract term, the agency shall terminate all contracts with that plan in other regions, pursuant to the termination procedures in subparagraph 3.

2. Encounter data.—If a plan fails to comply with the encounter data reporting requirements of this section for 30 days, the agency must assess a fine of \$5,000 per day for each day of noncompliance beginning on the 31st day. On the 31st day, the agency must notify the plan that the agency will initiate contract termination procedures on the 90th day unless the plan comes into compliance before that date.

3. Termination.—If the agency terminates more than one regional contract with the same managed care plan due to noncompliance with the requirements of this section, the agency shall terminate all the regional contracts held by that plan. When terminating multiple contracts, the agency must develop a plan to provide for the transition of enrollees to other plans, and phase in phase in the terminations over a time period sufficient to ensure a smooth transition.

(4) MEDICAL LOSS RATIO.—If required as a condition of a waiver, the agency may calculate a medical loss ratio for managed care plans. The calculation shall use uniform financial data collected from all plans and shall be computed for each plan on a statewide basis. The method for calculating the medical loss ratio shall meet the following criteria:

(a) Except as provided in paragraphs (b) and (c), expenditures shall be classified in a manner consistent with 45 C.F.R. part 158.

(b) Funds provided by plans to graduate medical education institutions to underwrite the costs of residency positions shall be classified as medical expenditures, provided the funding is sufficient to sustain the position for the number of years necessary to complete the residency requirements and the residency positions funded by the plans are active providers of care to Medicaid and uninsured patients.

(c) Prior to final determination of the medical loss ratio for any period, a plan may contribute to a designated state trust fund for the purpose of supporting Medicaid and indigent care and have the contribution counted as a medical expenditure for the period.

Section 7. Subsection (4) of section 409.973, Florida Statutes, is amended to read:

409.973 Benefits.—

(4) PRIMARY CARE INITIATIVE.—Each plan operating in the managed medical assistance program shall establish a program to encourage enrollees to establish a relationship with their primary care provider. Each plan shall:

(a) Provide information to each enrollee on the importance of and procedure for selecting a primary care ~~provider~~ physician, and thereafter automatically assign to a primary care provider any enrollee who fails to choose a primary care provider.

(b) If the enrollee was not a Medicaid recipient before enrollment in the plan, assist the enrollee in scheduling an appointment with the primary care provider. If possible the appointment should be made within 30 days after enrollment in the plan. For enrollees who become eligible for Medicaid between January 1, 2014, and December 31, 2015, the appointment should be scheduled within 6 months after enrollment in the plan.

(c) Report to the agency the number of enrollees assigned to each primary care provider within the plan's network.

(d) Report to the agency the number of enrollees who have not had an appointment with their primary care provider within their first year of enrollment.

(e) Report to the agency the number of emergency room visits by enrollees who have not had at least one appointment with their primary care provider.

Section 8. Subsection (3) of section 409.974, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

409.974 Eligible plans.—

(3) SPECIALTY PLANS.—Participation by specialty plans shall be subject to the procurement requirements ~~and regional plan number limits~~ of this section. The aggregate enrollment of all specialty plans in a region may not exceed 10 percent of the total enrollees of that region. However, a specialty plan whose target population includes no more than 10 percent of the enrollees of that region is not subject to the regional plan number limits of this section.

(5) MEDICARE PLANS.—Participation by a Medicare Advantage Preferred Provider Organization, Medicare Advantage Provider-sponsored Organization, Medicare Advantage Health Maintenance Organization, Medicare Advantage Coordinated Care Plan, or Medicare Advantage Special Needs Plan shall be pursuant to a contract with the agency that is consistent with the Medicare Improvement for Patients and Providers Act of 2008, Pub.

L. No. 110-275. Such plans are not subject to the procurement requirements if the plan's Medicaid enrollees consist exclusively of dually eligible recipients who are enrolled in the plan in order to receive Medicare benefits as of the date that the invitation to negotiate is issued. Otherwise, such plans are subject to all procurement requirements.

Section 9. Subsection (5) of section 409.981, Florida Statutes, is amended to read:

409.981 Eligible long-term care plans.—

(5) ~~MEDICARE ADVANTAGE SPECIAL NEEDS PLANS.—Participation by a Medicare Advantage Preferred Provider Organization, Medicare Advantage Provider-sponsored Organization, or Medicare Advantage Special Needs Plan shall be pursuant to a contract with the agency that is consistent with the Medicare Improvement for Patients and Providers Act of 2008, Pub. L. No. 110-275. Such plans are and not subject to the procurement requirements if the plan's Medicaid enrollees consist exclusively of dually eligible recipients who are enrolled in the plan in order to receive Medicare benefits as of the date the invitation to negotiate is issued deemed dually eligible for Medicaid and Medicare services. Otherwise, Medicare Advantage Preferred Provider Organizations, Medicare Advantage Provider-sponsored Organizations, and Medicare Advantage Special Needs Plans are subject to all procurement requirements.~~

Section 10. This act shall take effect July 1, 2012.

TITLE AMENDMENT

Remove the entire title and insert:

A bill to be entitled

An act relating to Medicaid managed care; amending s. 409.912, F.S.; authorizing the Agency for Health Care Administration to extend or modify certain contracts with behavioral health care providers under specified circumstances; removing the expiration of the authority of the agency to impose fines against entities under contract with the department under specified circumstances; amending s. 409.9122, F.S.; directing the agency to calculate a medical loss ratio for managed care plans under specified circumstances and providing the method of calculation; amending s. 409.961, F.S.; specifying that contracts necessary to administer the Medicaid program are not rules and are not subject to ch. 120, F.S., the Administrative Procedure Act; amending s. 409.962, F.S.; including certain Medicare plans in the definition of the term "comprehensive long-term care plan"; including certain Medicare plans in the managed medical assistance program by amending the definition of the term "eligible plan"; amending s. 409.966, F.S.; modifying a preference for plans with in-state operations; revising a definition; amending s. 409.967, F.S.; limiting the penalty that a plan must pay if it leaves a region before the end of the contract term; directing the agency to calculate a medical loss ratio for managed care plans under specified circumstances and providing the method of calculation; amending s. 409.973, F.S.; requiring a managed care plan to inform the enrollee of the importance of having a primary care provider; amending s. 409.974, F.S.; revising requirements for participation by specialty plans; revising requirements for participation by certain Medicare plans; requiring contracts to meet certain standards; setting enrollment requirements; amending s. 409.981, F.S.; modifying requirements for participation by Medicare Advantage Special Needs Plans; requiring contracts to meet certain standards; establishing enrollment requirements; providing an effective date.

Rep. Schenck moved the adoption of the amendment.

Rep. Brodeur moved that a late-filed amendment to the amendment be allowed for consideration, which was not agreed to by the required two-thirds vote.

Representative Schwartz offered the following:

(Amendment Bar Code: 974191)

Amendment 1 to Amendment 1—Remove lines 403-419 and insert:

plan on a statewide basis. Expenditures shall be classified in a manner consistent with 45 C.F.R. part 158.

Rep. Schwartz moved the adoption of the amendment to the amendment, which failed of adoption.

Representative Schwartz offered the following:

(Amendment Bar Code: 564355)

Amendment 2 to Amendment 1—Remove line 415 and insert:

(c) Any federal tax benefit to the plans shall be included in administrative costs for the medical loss ratio.

(d) Prior to final determination of the medical loss ratio

Rep. Schwartz moved the adoption of the amendment to the amendment, which failed of adoption.

The question recurred on the adoption of **Amendment 1**, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 800—A bill to be entitled An act relating to county boundary lines; amending s. 7.43, F.S.; incorporating a portion of St. Lucie County into Martin County; revising the legal description of Martin County; amending s. 7.59, F.S.; revising the legal description of St. Lucie County, to conform; transferring certain roads and associated rights-of-way; requiring that St. Lucie County and Martin County enter into an interlocal agreement that provides for a feasible plan for the transfer of county services, buildings, infrastructure, waterways, and employees and for the transfer of income generated from the area transferred by a time certain; limiting the annual loss of revenue from the transferred land; providing that the transfer is contingent upon approval of a referendum by the qualified electors residing in the area being transferred from St. Lucie County to Martin County; providing effective dates.

—was read the second time by title.

On motion by Rep. Harrell, **CS for SB 800** was substituted for **CS/CS/HB 1319**. Under Rule 5.14, the House bill was laid on the table.

Representative Harrell offered the following:

(Amendment Bar Code: 831651)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 7.43, Florida Statutes, is amended to read:

7.43 Martin County.—The boundary lines of Martin County are as follows: Beginning at the northwest corner of township thirty-eight south, range thirty-seven east; thence east, concurrent with the south boundary line of St. Lucie County, to the southwest corner of section thirty-one, township thirty-seven south, range forty-one east; thence north on the west line of said section thirty-one and section thirty, township thirty-seven south, range forty-one east, 6,459 feet to a point lying within the water body of the north fork of the St. Lucie River; thence departing said line within the north fork of the St. Lucie River a bearing direction (State Plane Coordinate System, Florida East Zone) of 41 degrees north, 4 minutes west, a distance of 6,155 feet, more or less, to a point lying within the water body of the north fork of the St. Lucie River; thence departing said point a bearing direction (State Plane Coordinate System, Florida East Zone) of 45 degrees north, 16 minutes east, a distance of 2,355 feet, more or less, to a point intersecting with the north shore of the north fork of the St. Lucie River and the west edge of the Howard Creek as concurrent with the City of Port St. Lucie municipal boundary limits; thence departing said intersecting shore and edge lines following along the City of Port St. Lucie municipal boundary line north along the west edge of Howard Creek to the south line of the northeast quarter of section twenty-four, township thirty-seven south, range forty east; thence east along said south

line of the northeast quarter to the intersection of the east 924.15 feet of section twenty-four, township thirty-seven south, range forty east; thence north along said east 924.15-foot line of section twenty-four, township thirty-seven south, range forty east, to the intersection of the north line of the south 508.15 feet of the northeast quarter of section twenty-four, township thirty-seven south, range forty east; thence east along said south 508.15-foot line of the northeast quarter of said section twenty-four, township thirty-seven south, range forty east, to an intersection with the west line of township thirty-seven south, range forty-one east, also being the existing Martin County boundary line; thence north concurrent with the Martin County boundary line, along the west line of sections nineteen and eighteen, township thirty-seven south, range forty-one east, ~~other sections~~ to the northwest corner of section eighteen, township thirty-seven south, range forty-one east; thence east on the north line of said section eighteen and other sections to the waters of the Atlantic Ocean; thence easterly to the eastern boundary of the State of Florida; thence southward along the coast, including the waters of the Atlantic Ocean within the jurisdiction of the State of Florida, to the south line of section twenty, township forty south, range forty-three east, produced easterly; thence west on the south line of said section twenty, and other sections, to the southwest corner of section twenty-two, township forty south, range forty-two east; thence south on the east line of section twenty-eight, township forty south, range forty-two east, to the southeast corner of said section twenty-eight; thence west on the south line of said section twenty-eight and other sections to the east shore of Lake Okeechobee; thence continue west in a straight course to the northeast corner of section thirty-six, township forty south, range thirty-four east, being the southwest corner of section thirty, township forty south, range thirty-five east; thence northeasterly in a straight course to the line of normal water level on the boundary of Lake Okeechobee at its intersection with the line dividing ranges thirty-six and thirty-seven east, township thirty-eight south; thence north on said range line to the place of beginning.

Section 2. Section 7.59, Florida Statutes, is amended to read:

7.59 St. Lucie County.—The boundary lines of St. Lucie County are as follows: Beginning on the eastern boundary of the State of Florida at a point where the north section line of section thirteen, township thirty-seven south, range forty-one east, produced easterly, would intersect the same; thence westerly on the north line of said section and other sections to the northwest corner of section eighteen, township thirty-seven south, range forty-one east; thence south along the range line between ranges forty east and forty-one east which is concurrent with the St. Lucie County and Martin County boundary lines to the intersection with the north line of the south 508.15 feet of the northeast quarter of section twenty-four, township thirty-seven south, range forty east; thence west along the south 508.15-foot line of the northeast quarter of section twenty-four, township thirty-seven south, range forty east and concurrent with the municipal boundary line of the City of Port St. Lucie to the intersection of the east 924.15-foot line of section twenty-four, township thirty-seven south, range forty east; thence south along the east 924.15-foot line of section twenty-four, township thirty-seven south, range forty east and continuing along the municipal boundary line of the City of Port St. Lucie, to the intersection of the south line of the northeast quarter of section twenty-four, township thirty-seven south, range forty east; thence west along the south line of the northeast quarter of section twenty-four, township thirty-seven south, range forty east to the intersection with the west edge of Howard Creek; thence southerly and along with the west edge of Howard Creek being concurrent with the municipal boundary line of the City of Port St. Lucie to the intersection of the north shore of the north fork of the St. Lucie River and the west edge of Howard Creek as concurrent with the City of Port St. Lucie municipal boundary; thence departing said north shore of the north fork of the St. Lucie River and the municipal boundary line of the City of Port St. Lucie, a bearing direction (State Plane Coordinate System, Florida East Zone) of south 45 degrees, 16 minutes west, 2,355 feet more or less, to a point within the body of water of the north fork of the St. Lucie River; thence departing said point a bearing direction (State Plane Coordinate System, Florida East Zone) of south 41 degrees, 4 minutes east, 6,155 feet more or less to a point located in the body of the north fork of the St. Lucie River which intersects with the west line of section thirty, township thirty-seven south, range forty-one east; thence south 6,459 feet along the west line of sections thirty and thirty-one, township thirty-seven south, range forty-one

~~east, to the intersection with on the range line between ranges forty and forty-one east, to the township line between townships thirty-seven and thirty-eight south; also being the southwest corner of section thirty-one, township thirty-seven, range forty-one east; thence west on the said township line to the range line dividing ranges thirty-six and thirty-seven east; thence north on said range line, concurrent with the east boundary of Okeechobee County, to the northwest corner of township thirty-four south, range thirty-seven east; thence east on the township line dividing townships thirty-three and thirty-four south, to the Atlantic Ocean; thence continuing easterly to the eastern boundary of the State of Florida; thence southerly along said east boundary, including the waters of the Atlantic Ocean within the jurisdiction of the State of Florida, to the place of beginning.~~

Section 3. All public roads, and the public rights-of-way associated therewith, lying within the limits of the lands being incorporated into Martin County as described in sections 1 and 2 are transferred from the jurisdiction of St. Lucie County to the jurisdiction of Martin County on the effective date of the change in county boundaries pursuant to this act.

Section 4. The governing bodies of St. Lucie County and Martin County shall enter into an interlocal agreement no later than May 1, 2013, which shall provide a financially feasible plan for transfer of services, personnel, and public infrastructure from St. Lucie County to Martin County. The agreement shall include compensation for the value of infrastructure investments by St. Lucie County in the transferred property minus depreciation, if any. Upon the effective date of this act, the total tax and assessment revenue that would have been generated in fiscal year 2013-2014 by all St. Lucie County taxing authorities levying taxes or assessments within the area transferred to Martin County less 10 percent shall be transmitted to St. Lucie County for distribution to the county and all other affected taxing authorities. Thereafter, through fiscal year 2022-2023, the tax and assessment revenue amount that would have been generated by all St. Lucie County taxing authorities levying taxes or assessments in the transferred area for fiscal year 2013-2014 shall serve as the base amount of tax and assessment revenue for further annual reductions of 10 percent of the base amount before annual distributions to the St. Lucie County through fiscal year 2022-2023. However, for any fiscal year through fiscal year 2022-2023 when the total taxes and assessments collected within the transferred area exceed the base amount by more than 3 percent, St. Lucie County shall receive the same percentage distribution from the tax and assessment revenue that exceeds the base amount by more than 3 percent as they will receive from the base amount. All distributions to St. Lucie County shall occur within 30 days after the beginning of each calendar year.

Section 5. Upon approval by a majority vote of those qualified electors residing in the area being transferred from St. Lucie County to Martin County as described in section 1 voting in a referendum to be held by the Board of County Commissioners of St. Lucie County and conducted by the Supervisor of Elections of St. Lucie County in conjunction with the next general, special, or other election to be held in St. Lucie County, in accordance with the provisions of law relating to elections currently in force, this act shall take effect July 1, 2013, except that this section shall take effect upon becoming a law.

TITLE AMENDMENT

Remove the entire title and insert:

A bill to be entitled

An act relating to county boundary lines; amending s. 7.43, F.S.; incorporating a portion of St. Lucie County into Martin County; revising the legal description of Martin County; amending s. 7.59, F.S.; revising the legal description of St. Lucie County, to conform; transferring roads; providing for transition pursuant to an interlocal agreement; providing requirements for such agreement; providing for Martin County to compensate St. Lucie County for certain loss of revenue; providing effective dates, including an effective date contingent on approval at a referendum.

Rep. Harrell moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

SB 524—A bill to be entitled An act relating to the restraint of incarcerated pregnant women; providing a short title; defining terms; prohibiting use of restraints on a prisoner known to be pregnant during labor, delivery, and postpartum recovery unless a corrections official determines that the prisoner presents an extraordinary circumstance; requiring that a corrections officer or other official accompanying a prisoner remove all restraints if the doctor, nurse, or other health care professional treating the prisoner requests that restraints not be used; prohibiting leg, ankle, or waist restraints from being used on a prisoner under specified circumstances; requiring that restraints be applied in the least restrictive manner necessary; requiring that the corrections official make written findings within 10 days as to the extraordinary circumstance that dictated the use of restraints; requiring that the findings be kept on file for a certain period and be made available for public inspection; restricting the use of waist, wrist, or leg and ankle restraints during the third trimester of pregnancy or when requested by a doctor, nurse, or other health care professional treating the prisoner; requiring that the use of restraints on a pregnant prisoner be by the least restrictive manner necessary; authorizing any woman who is restrained in violation of the act to file a grievance within a specified period; providing that these remedies do not prevent a woman harmed from filing a complaint under any other relevant federal or state law; directing the Department of Corrections and the Department of Juvenile Justice to adopt rules; requiring that correctional institutions and detention facilities inform female prisoners of the rules upon admission, include the policies and practices in the prisoner handbook, and post the policies and practices in the correctional institution or detention facility; requiring that the Secretary of Corrections, the Secretary of Juvenile Justice, and county and municipal corrections officials annually file written reports with the Executive Office of the Governor detailing each incident of restraint in violation of law or as an authorized exception; requiring that the reports be made available for public inspection; providing an effective date.

—was read the second time by title.

On motion by Rep. Reed, **SB 524** was substituted for **CS/CS/HB 367**. Under Rule 5.14, the House bill was laid on the table.

Representative Reed offered the following:

(Amendment Bar Code: 603303)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Shackling of incarcerated pregnant women.—

(1) SHORT TITLE.—This section may be cited as the "Healthy Pregnancies for Incarcerated Women Act."

(2) DEFINITIONS.—As used in this section, the term:

(a) "Correctional institution" means any facility under the authority of the department or the Department of Juvenile Justice, a county or municipal detention facility, or a detention facility operated by a private entity.

(b) "Corrections official" means the official who is responsible for oversight of a correctional institution, or his or her designee.

(c) "Department" means the Department of Corrections.

(d) "Extraordinary circumstance" means a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the prisoner, the staff of the correctional institution or medical facility, other prisoners, or the public.

(e) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix.

(f) "Postpartum recovery" means, as determined by her physician, the period immediately following delivery, including the recovery period when a woman is in the hospital or infirmary following birth, up to 24 hours after delivery unless the physician after consultation with the department or correctional institution recommends a longer period of time.

(g) "Prisoner" means any person incarcerated or detained in any correctional institution who is accused of, convicted of, sentenced for, or adjudicated delinquent for a violation of criminal law or the terms and

conditions of parole, probation, community control, pretrial release, or a diversionary program. For purposes of this section, the term includes any woman detained under the immigration laws of the United States at any correctional institution.

(h) "Restraints" means any physical restraint or mechanical device used to control the movement of a prisoner's body or limbs, including, but not limited to, flex cuffs, soft restraints, hard metal handcuffs, a black box, chubb cuffs, leg irons, belly chains, a security or tether chain, or a convex shield.

(3) RESTRAINT OF PRISONERS.—

(a) Restraints may not be used on a prisoner who is known to be pregnant during labor, delivery, and postpartum recovery, unless the corrections official makes an individualized determination that the prisoner presents an extraordinary circumstance, except that:

1. The physician may request that restraints not be used for documentable medical purposes. The correctional officer, correctional institution employee, or other officer accompanying the pregnant prisoner may consult with the medical staff; however, if the officer determines there is an extraordinary public safety risk, the officer is authorized to apply restraints as limited by subparagraph 2.

2. Under no circumstances shall leg, ankle, or waist restraints be used on any pregnant prisoner who is in labor or delivery.

(b) If restraints are used on a pregnant prisoner pursuant to paragraph (a):

1. The type of restraint applied and the application of the restraint must be done in the least restrictive manner necessary; and

2. The corrections official shall make written findings within 10 days after the use of restraints as to the extraordinary circumstance that dictated the use of the restraints. These findings shall be kept on file by the department or correctional institution for at least 5 years.

(c) During the third trimester of pregnancy or when requested by the physician treating a pregnant prisoner, unless there are significant documentable security reasons noted by the department or correctional institution to the contrary that would threaten the safety of the prisoner, the unborn child, or the public in general:

1. Leg, ankle, and waist restraints may not be used; and

2. If wrist restraints are used, they must be applied in the front so the pregnant prisoner is able to protect herself in the event of a forward fall.

(d) In addition to the specific requirements of paragraphs (a)-(c), any restraint of a prisoner who is known to be pregnant must be done in the least restrictive manner necessary in order to mitigate the possibility of adverse clinical consequences.

(4) ENFORCEMENT.—

(a) Notwithstanding any relief or claims afforded by federal or state law, any prisoner who is restrained in violation of this section may file a grievance with the correctional institution, and be granted a 45-day extension if requested in writing pursuant to rules promulgated by the correctional institution.

(b) This section does not prevent a woman harmed through the use of restraints under this section from filing a complaint under any other relevant provision of federal or state law.

(5) NOTICE TO PRISONERS.—

(a) By September 1, 2012, the department and the Department of Juvenile Justice shall adopt rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to administer this section.

(b) Each correctional institution shall inform female prisoners of the rules developed pursuant to paragraph (a) upon admission to the correctional institution, including the policies and practices in the prisoner handbook, and post the policies and practices in locations in the correctional institution where such notices are commonly posted and will be seen by female prisoners, including common housing areas and medical care facilities.

Section 2. This act shall take effect July 1, 2012.

TITLE AMENDMENT

Remove the entire title and insert:

A bill to be entitled

An act relating to the restraint of incarcerated pregnant women; providing a short title; defining terms; prohibiting use of restraints on a prisoner known to

be pregnant during labor, delivery, and postpartum recovery unless a corrections official makes an individualized determination that the prisoner presents an extraordinary circumstance requiring restraints; authorizing an officer to apply restraints after consulting with medical staff; requiring that any restraint applied must be done in the least restrictive manner necessary; requiring the corrections official to make written findings as to the extraordinary circumstance requiring restraints; restricting the use of certain restraints during the third trimester of pregnancy unless there are significant security concerns documented by the department or correctional institution; requiring that the findings be kept on file by the department or correctional institution for at least 5 years; authorizing any woman who is restrained in violation of the act to file a grievance within a specified period; providing that these remedies do not prevent a woman harmed through the use of restraints from filing a complaint under federal or state law; directing the Department of Corrections and the Department of Juvenile Justice to adopt rules; requiring correctional institutions to inform female prisoners of the rules upon admission, include the policies and practices in the prisoner handbook, and post the policies and practices in the correctional institution; providing an effective date.

WHEREAS, restraining a pregnant prisoner can pose undue health risks and increase the potential for physical harm to the woman and her pregnancy, and

WHEREAS, the vast majority of female prisoners in this state are nonviolent offenders, and

WHEREAS, the impact of such harm to a pregnant woman can negatively affect her pregnancy, and

WHEREAS, freedom from physical restraints is especially critical during labor, delivery, and postpartum recovery after delivery as women often need to move around during labor and recovery, including moving their legs as part of the birthing process, and

WHEREAS, restraints on a pregnant woman can interfere with the medical staff's ability to appropriately assist in childbirth or to conduct sudden emergency procedures, and

WHEREAS, the Federal Bureau of Prisons, the United States Marshals Service, the American Correctional Association, the American College of Obstetricians and Gynecologists, and the American Public Health Association all oppose restraining women during labor, delivery, and postpartum recovery because it is unnecessary and dangerous to a woman's health and well-being, NOW, THEREFORE

Rep. Reed moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS for SB 692—A bill to be entitled An act relating to local government; amending s. 165.031, F.S.; deleting definitions; amending s. 165.041, F.S.; revising the deadline for submission of a feasibility study of a proposed incorporation of a municipality; revising a requirement for the content of the study; amending s. 257.171, F.S.; conforming a cross-reference; amending s. 163.3167, F.S.; authorizing a local government to retain certain initiatives or referendum processes that were in effect as of a specified date; providing that qualified electors of certain independent districts may commence a municipal conversion proceeding by filing a petition with the governing body of the independent special district; providing an exception; providing criteria for the petition; providing that the petition must be filed with the governing body of the independent special district and submitted to the supervisor of elections of each county in which the district lands are located; requiring that the supervisor of elections certify within a certain time to the governing body the number of signatures of qualified electors contained in the petition; requiring the governing body to meet, prepare, and approve by resolution, a proposed elector-initiated combined conversion and incorporation plan; providing criteria for the plan; providing criteria for approving the resolution; requiring the governing body to provide notice and public access to the elector-initiated combined municipal incorporation plan; providing criteria for a public hearing on the proposed elector-initiated combined municipal incorporation plan; providing notice of a final public hearing, a descriptive summary of the elector-initiated combined municipal incorporation plan, and a reference to

the public place where a copy of the plan can be examined; authorizing the governing body to amend the municipal incorporation plan after the final hearing if notice and public hearing requirements are met; requiring the governing body to approve the final version of the plan within a certain time after the final hearing; requiring the governing body to notify the supervisor of elections of the county within which the special district is located of the adoption of the resolution; providing for notice of the referendum; requiring that the referenda be held in accordance with the election code; requiring the independent special district to bear the costs associated with the referenda; providing for the form of the ballot question; providing for the counting of ballots, making and canvassing of returns, and certifying the results; requiring a majority of the votes cast in the independent special district for the incorporation plan to take effect; requiring that the independent special district notify the special district information program and certain local general-purpose governments that the plan was approved; prohibiting a conversion process from being initiated for 2 years if the referendum fails; providing for interim governance of the district; providing for an effective date of the incorporation; prohibiting the municipal conversion of home rule counties, hospital districts, or children's services districts; providing an effective date.

—was read the second time by title.

On motion by Rep. Diaz, **CS for SB 692** was substituted for **HB 7001**. Under Rule 5.14, the House bill was laid on the table.

Representative Diaz offered the following:

(Amendment Bar Code: 204623)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 165.031, Florida Statutes, is amended to read:

165.031 Definitions.—The following terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~(1) "Unit of local government" means any local general purpose government.~~

~~(2) "Local general purpose government" means a county, municipality, or consolidated city county government.~~

~~(1)(3)~~ "County" means a political subdivision of the state established pursuant to s. 1, Art. VIII of the State Constitution.

~~(2)(6)~~ "Formation" means any one of the following activities:

(a) "Incorporation"—The establishment of a municipality.

(b) "Dissolution"—The dissolving of the corporate status of a municipality.

(c) "Merger"—The merging of two or more municipalities with each other and with any unincorporated areas authorized pursuant to this act to form a new municipality; the merging of one or more municipalities or special districts, in any combination thereof, with each other; or the merging of one or more counties with one or more special districts.

~~(3)(4)~~ "Municipality" means a municipality created pursuant to general or special law authorized or recognized pursuant to s. 2 or s. 6, Art. VIII of the State Constitution.

~~(7) "Service delivery" means any mechanism used by a unit of local government to provide governmental services.~~

~~(4)(8)~~ "Newspaper of general circulation" means a newspaper printed in the language most commonly spoken in the area within which it circulates, which is readily available for purchase by all inhabitants in its area of circulation, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper the primary function of which is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

~~(5)(9)~~ "Parties affected" means any person owning property or residing in a municipality proposing a formation or in the territory that is proposed for a formation or any governmental unit with jurisdiction over such area.

~~(6)(10)~~ "Qualified voter" means any person registered to vote in accordance with law.

~~(7)(5)~~ "Special district" means a local unit of special government, as defined in s. 189.403(1). This term includes dependent special districts, as defined in s. 189.403(2), and independent special districts, as defined in s. 189.403(3). All provisions of s. 200.001(8)(d) and (e) shall be considered provisions of this chapter.

~~(11) "Sufficiency of petition" means the verification of the signatures and addresses of all signers of a petition with the voting list maintained by the county supervisor of elections and certification that the number of valid signatures represents the required percentage of the total number of qualified voters in the area affected by a proposal pursuant to this chapter.~~

Section 2. Paragraph (b) of subsection (1) of section 165.041, Florida Statutes, is amended to read:

165.041 Incorporation; merger.—

(1)

(b) To inform the Legislature on the feasibility of a proposed incorporation of a municipality, a feasibility study shall be completed and submitted to the Legislature no later than the first Monday after September 1 of the year 90 days before the first day of the regular session of the Legislature during which the municipal charter would be enacted. The feasibility study shall contain the following:

1. The ~~general~~ location of territory subject to boundary change and a map of the area which identifies the proposed change.

2. The major reasons for proposing the boundary change.

3. The following characteristics of the area:

a. A list of the current land use designations applied to the subject area in the county comprehensive plan.

b. A list of the current county zoning designations applied to the subject area.

c. A general statement of present land use characteristics of the area.

d. A description of development being proposed for the territory, if any, and a statement of when actual development is expected to begin, if known.

4. A list of all public agencies, such as local governments, school districts, and special districts, whose current boundary falls within the boundary of the territory proposed for the change or reorganization.

5. A list of current services being provided within the proposed incorporation area, including, but not limited to, water, sewer, solid waste, transportation, public works, law enforcement, fire and rescue, zoning, street lighting, parks and recreation, and library and cultural facilities, and the estimated costs for each current service.

6. A list of proposed services to be provided within the proposed incorporation area, and the estimated cost of such proposed services.

7. The names and addresses of three officers or persons submitting the proposal.

8. Evidence of fiscal capacity and an organizational plan as it relates to the area seeking incorporation that, at a minimum, includes:

a. Existing tax bases, including ad valorem taxable value, utility taxes, sales and use taxes, franchise taxes, license and permit fees, charges for services, fines and forfeitures, and other revenue sources, as appropriate.

b. A 5-year operational plan that, at a minimum, includes proposed staffing, building acquisition and construction, debt issuance, and budgets.

9. Data and analysis to support the conclusions that incorporation is necessary and financially feasible, including population projections and population density calculations, and an explanation concerning methodologies used for such analysis.

10. Evaluation of the alternatives available to the area to address its policy concerns.

11. Evidence that the proposed municipality meets the requirements for incorporation pursuant to s. 165.061.

Section 3. Section 257.171, Florida Statutes, is amended to read:

257.171 Multicounty libraries.—Units of local government, ~~as defined in s. 165.031(4),~~ may establish a multicounty library. The Division of Library and Information Services may establish operating standards and rules under which a multicounty library is eligible to receive state moneys. For a multicounty library, a local government may pay moneys in advance in lump sum from its public funds for the provision of library services only.

Section 4. This act shall take effect July 1, 2012.

TITLE AMENDMENT

Remove the entire title and insert:

A bill to be entitled

An act relating to the formation of local governments; amending s. 165.031, F.S.; deleting definitions; amending s. 165.041, F.S.; revising the deadline for submission of a feasibility study of a proposed incorporation of a municipality; revising a requirement for the content of the study; amending s. 257.171, F.S.; conforming a cross-reference; providing an effective date.

Rep. Diaz moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Motion

On motion by Rep. Aubuchon, **CS/HB 823** and **CS/CS/HB 505** were laid on the table.

Moment of Silence

At the request of Rep. Sands, the House observed a moment of silence in memory of Judy Jacobson, a mentor in the "Take Stock in Children" program.

THE SPEAKER IN THE CHAIR

Recessed

The House recessed at 12:07 p.m., to reconvene at 1:15 p.m.

Reconvened

The House was called to order by the Speaker at 1:15 p.m. A quorum was present [Session Vote Sequence: 1098].

Moment of Silence

At the request of Rep. Workman, the House observed a moment of silence for Brevard County Sheriff's Deputy Barbara Pill who was killed in the line duty today.

Remarks

The Speaker recognized Representative Proctor, who gave brief farewell remarks.

The Speaker recognized Representative Snyder, who gave brief farewell remarks.

Rep. Aubuchon moved that the House revert to the order of business of—

Messages from the Senate

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 31, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

CS/HB 31—A bill to be entitled An act relating to protest activities; creating s. 871.015, F.S.; providing definitions; prohibiting engaging in protest activities within a specified distance of the property line of the location of a funeral, burial, or memorial service; providing criminal penalties; providing an effective date.

(Amendment Bar Code: 521926)

Senate Amendment 1 (with title amendment)—Delete lines 14 - 27 and insert:

(1) As used in this section, the term "other protest activities" means any actions that are disruptive or undertaken to disrupt or disturb a funeral, burial, or memorial service.

(2) A person may not knowingly picket or engage in other protest activities, and a person may not knowingly cause picketing or other protest activities to occur, within 500 feet of the property line of any residence, cemetery, funeral home, house of worship, or other location during or within 1 hour before or 1 hour after the conducting of a funeral, burial, or memorial service at that place for any military service member, emergency response worker, elected official, or minor.

===== TITLE AMENDMENT =====
And the title is amended as follows:

Delete lines 2 - 6
and insert:

An act relating to funerals, burials, and memorial services; creating s. 871.015, F.S.; providing a definition; prohibiting picketing or engaging in other protest activities within a specified distance of the property line of the location of a funeral, burial, or memorial service for certain persons; providing

On motion by Rep. Rooney, the House refused to concur in Senate Amendment 1 and requested the Senate to recede therefrom. The action, together with the bill and amendment thereto, was immediately certified to the Senate.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 231, with 3 amendments, and requests the concurrence of the House.

Debbie Brown, Secretary

HB 231—A bill to be entitled An act relating to intergovernmental cooperation; amending s. 163.01, F.S.; authorizing certain parties to an interlocal agreement to conduct public meetings and workshops by means of communications media technology; providing notice requirements; providing a definition; providing an effective date.

(Amendment Bar Code: 817216)

Senate Amendment 1 (with title amendment)—Delete lines 11 - 13 and insert:

Section 1. Paragraph (f) of subsection (3) of section 163.01, Florida Statutes, is amended, and subsection (18) is added to that section, to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(3) As used in this section:

(f) "Electric utility" has the same meaning as in s. 361.11(2). The term also includes those municipalities, authorities, commissions, special districts, or other public bodies that own, maintain, or operate an electrical generation, transmission, or distribution system within the state on June 25, 2008.

===== TITLE AMENDMENT =====
And the title is amended as follows:

Delete line 3
and insert:

amending s. 163.01, F.S.; revising the definition of the term "electric utility"; authorizing certain parties

(Amendment Bar Code: 839212)

Senate Amendment 2—Delete lines 15 - 16
and insert:

(7) which has member public agencies located in at least five counties, of which at least three are not contiguous, may conduct public meetings and workshops by means of

(Amendment Bar Code: 107734)

Senate Amendment 3 (with title amendment)—Between lines 30 and 31 insert:

Section 2. It is the intent of the Legislature that each electric utility that is included within the amendment to s. 163.01(3)(f), Florida Statutes, made by this act may exercise the powers granted by part II of chapter 361, Florida Statutes, in conjunction with the exercise of the powers and authority granted by chapter 163, Florida Statutes. It is further the intent of the Legislature that the amendment is enacted in the furtherance of and is consistent with the application of part II of chapter 361, Florida Statutes, the Joint Power Act.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 7

and insert:

definition; providing legislative intent that electric utilities included in the revision to the definition of the term "electric utility" may exercise the powers and authority granted by ch. 163, F.S.; providing legislative intent that the revision is enacted in furtherance of and is consistent with the application of the Joint Power Act; providing an effective date.

On motion by Rep. Homer, the House concurred in **Senate Amendments 1, 2, and 3.**

The question recurred on the passage of **HB 231**. The vote was:

Session Vote Sequence: 1099

Speaker Cannon in the Chair.

Yeas—115

Abruzzo	Dorworth	Logan	Rooney
Adkins	Drake	Lopez-Cantera	Rouson
Ahern	Eisnagle	Mayfield	Sands
Albritton	Ford	McBurney	Saunders
Artiles	Fresen	McKeel	Schenck
Aubuchon	Fullwood	Metz	Schwartz
Baxley	Gaetz	Moraitis	Slosberg
Bembry	Garcia	Nehr	Smith
Berman	Gibbons	Nelson	Snyder
Bernard	Gonzalez	Núñez	Soto
Bileca	Goodson	O'Toole	Stafford
Boyd	Grant	Oliva	Stargel
Brandes	Grimsley	Pafford	Steube
Brodeur	Hager	Passidomo	Taylor
Broxson	Harrell	Patronis	Thompson, G.
Bullard	Harrison	Perman	Thurston
Caldwell	Holder	Perry	Tobia
Campbell	Hooper	Pilon	Trujillo
Cannon	Homer	Plakon	Van Zant
Chestnut	Hudson	Porter	Waldman
Clarke-Reed	Hukill	Porth	Watson
Clemens	Ingram	Precourt	Weatherford
Coley	Jenne	Proctor	Weinstein
Corcoran	Jones	Ray	Williams, A.
Costello	Julien	Reed	Williams, T.
Crisafulli	Kiar	Rehwinkel	Wood
Cruz	Kreegel	Renuart	Workman
Davis	Kriseman	Roberson, K.	Young
Diaz	Legg	Rogers	

Nays—None

Votes after roll call:

Yeas—Glorioso

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 7039, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

CS/HB 7039—A bill to be entitled An act relating to transportation facility designations; providing honorary designations of various transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; amending ch. 2010-230, Laws of Florida; revising designations in a specified county; providing an effective date.

Senator Dean moved the following:

(Amendment Bar Code: 317754)

Senate Amendment 1—Delete everything after the enacting clause and insert:

Section 1. SP4 Thomas Berry Corbin Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. Highway 19/27A/98/State Road 55 between the Suwannee River Bridge and N.E. 592nd Street/Chavous Road/Kate Green Road in Dixie County is designated as "SP4 Thomas Berry Corbin Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating SP4 Thomas Berry Corbin Memorial Highway as described in subsection (1).

Section 2. U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. Highway 19/98/State Road 55 between N.E. 592nd Street/Chavous Road/Kate Green Road and N.E. 170th Street in Dixie County is designated as "U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway as described in subsection (1).

Section 3. Marine Lance Corporal Brian R. Buesing Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 24 between County Road 347 and Bridge Number 340053 in Levy County is designated as "Marine Lance Corporal Brian R. Buesing Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Marine Lance Corporal Brian R. Buesing Memorial Highway as described in subsection (1).

Section 4. United States Army Sergeant Karl A. Campbell Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. Highway 19/98/State Road 55/South Main Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy County is designated as "United States Army Sergeant Karl A. Campbell Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating United States Army Sergeant Karl A. Campbell Memorial Highway as described in subsection (1).

Section 5. U.S. Army SPC James A. Page Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. Highway 27A/State Road 500/Hathaway Avenue between State Road 24/Thrasher Drive and Town Court in Levy County is designated as "U.S. Army SPC James A. Page Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating U.S. Army SPC James A. Page Memorial Highway as described in subsection (1).

Section 6. Alma Lee Loy Bridge designated; Department of Transportation to erect suitable markers.—

(1) Bridge Number 880077 on State Road 656 between State Road A1A and Indian River Boulevard in the City of Vero Beach in Indian River County is designated as "Alma Lee Loy Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Alma Lee Loy Bridge as described in subsection (1).

Section 7. Joyce Webb Nobles Bridge designated; Department of Transportation to erect suitable markers.—

(1) The U.S. Highway 90/98, State Road 10A, East Cervantes Street Bridge (Bridge Number 480198) in Escambia County is designated as "Joyce Webb Nobles Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Joyce Webb Nobles Bridge as described in subsection (1).

Section 8. Corporal Michael Joseph Roberts Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of Interstate 275 in Hillsborough County between the Livingston Avenue Bridge and the intersection with Interstate 75 at the Hillsborough-Pasco County line is designated as "Corporal Michael Joseph Roberts Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Corporal Michael Joseph Roberts Memorial Highway as described in subsection (1).

Section 9. Edna S. Hargrett-Thrower Avenue designated; Department of Transportation to erect suitable markers.—

(1) That portion of Orange Blossom Trail between W. Gore Street and W. Church Street in Orange County is designated as "Edna S. Hargrett-Thrower Avenue."

(2) The Department of Transportation is directed to erect suitable markers designating Edna S. Hargrett-Thrower Avenue as described in subsection (1).

Section 10. USS Stark Memorial Drive designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 101/Mayport Road between State Road A1A and Wonderwood Connector in Duval County is designated as "USS Stark Memorial Drive."

(2) The Department of Transportation is directed to erect suitable markers designating USS Stark Memorial Drive as described in subsection (1).

Section 11. Coach Jimmy Carnes Boulevard designated; Department of Transportation to erect suitable markers.—

(1) That portion of S.W. 23rd Street, in front of James G. Pressly Stadium and 4211 S.W. 23rd Street, between S.W. 2nd Avenue and Fraternity Row/Drive in Alachua County is designated as "Coach Jimmy Carnes Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Coach Jimmy Carnes Boulevard as described in subsection (1).

Section 12. Harry T. and Harriette V. Moore Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 46 in Brevard County between U.S. Highway 1 and the Volusia County line is designated as "Harry T. and Harriette V. Moore Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Harry T. and Harriette V. Moore Memorial Highway as described in subsection (1).

Section 13. Duval County Law Enforcement Memorial Overpass designated; Department of Transportation to erect suitable markers.—

(1) The Interstate 295/State Road 9A overpass (Bridge Numbers 720256 and 720347) over Interstate 10/State Road 8 in Duval County is designated as "Duval County Law Enforcement Memorial Overpass."

(2) The Department of Transportation is directed to erect suitable markers designating Duval County Law Enforcement Memorial Overpass as described in subsection (1).

Section 14. Whale Harbor Joe Roth, Jr., Bridge designated; Department of Transportation to erect suitable markers.—

(1) Whale Harbor Bridge (Bridge Number 900076) on U.S. Highway 1/State Road 5 in Monroe County is designated as "Whale Harbor Joe Roth, Jr., Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Whale Harbor Joe Roth, Jr., Bridge as described in subsection (1).

Section 15. Jim Mandich Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 826/Palmetto Expressway between on-ramp 87260330 and on-ramp 87260333 in Miami-Dade County is designated as "Jim Mandich Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Jim Mandich Memorial Highway as described in subsection (1).

Section 16. Florida Highway Patrol Trooper Sgt. Nicholas G. Sottile Memorial designated; Department of Transportation to erect suitable markers.—

(1) Milepost 22.182 on U.S. Highway 27 in Highlands County is designated as "Florida Highway Patrol Trooper Sgt. Nicholas G. Sottile Memorial."

(2) The Department of Transportation is directed to erect suitable markers designating Florida Highway Patrol Trooper Sgt. Nicholas G. Sottile Memorial as described subsection (1).

Section 17. Captain Jim Reynolds, Jr., USAF "Malibu" Road designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 44 between U.S. Highway 441 and State Road 44/East Orange Avenue near the City of Eustis in Lake County is designated as "Captain Jim Reynolds, Jr., USAF 'Malibu' Road."

(2) The Department of Transportation is directed to erect suitable markers designating Captain Jim Reynolds, Jr., USAF "Malibu" Road as described in subsection (1).

Section 18. Tanya Martin Oubre Pikel Street designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 932/N.E. 103rd Street between N.W. 3rd Avenue and N.E. 6th Avenue in Miami-Dade County is designated as "Tanya Martin Oubre Pikel Street."

(2) The Department of Transportation is directed to erect suitable markers designating Tanya Martin Oubre Pikel Street as described in subsection (1).

Section 19. Jacob Fleishman Street designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 934/N.W. 79th Street between N.W. 14th Avenue and N.W. 9th Avenue in Miami-Dade County is designated as "Jacob Fleishman Street."

(2) The Department of Transportation is directed to erect suitable markers designating Jacob Fleishman Street as described in subsection (1).

Section 20. Margaret Haines Street designated; Department of Transportation to erect suitable markers.—

(1) That portion of N.W. 59th Street between N.W. 27th Avenue and N.W. 25th Avenue in Miami-Dade County is designated as "Margaret Haines Street."

(2) The Department of Transportation is directed to erect suitable markers designating Margaret Haines Street as described in subsection (1).

Section 21. West Park Boulevard designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. Highway 441/State Road 7 between State Road 824/Pembroke Road and State Road 852/N.W. 215th Street/County Line Road in Broward County is designated as "West Park Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating West Park Boulevard as described in subsection (1).

Section 22. Pembroke Park Boulevard designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 858/Hallandale Beach Boulevard between Interstate 95/State Road 9 and S.W. 56th Avenue in Broward County is designated as "Pembroke Park Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Pembroke Park Boulevard as described in subsection (1).

Section 23. Sheriff Stanley H. Cannon Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 51 between Cooks Hammock and the Lafayette-Taylor County line in Lafayette County is designated as "Sheriff Stanley H. Cannon Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Sheriff Stanley H. Cannon Memorial Highway as described in subsection (1).

Section 24. Veterans Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 19 between U.S. Highway 17/State Road 15 and Carriage Drive in Putnam County is designated as "Veterans Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Veterans Memorial Highway as described in subsection (1).

Section 25. Santa Fe Military Trail designated; Department of Transportation to erect suitable markers.—

(1) That portion of County Road 18 in Bradford, Union, and Columbia Counties between State Road 100 in Bradford County and State Road 20 in Columbia County is designated as "Santa Fe Military Trail."

(2) The Department of Transportation is directed to erect suitable markers designating Santa Fe Military Trail as described in subsection (1).

Section 26. Florencio "Kiko" Pernas Avenue designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 953/LeJeune Road/N.E. 8th Avenue between E. 32nd Street and E. 41st Street in Miami-Dade County is designated as "Florencio 'Kiko' Pernas Avenue."

(2) The Department of Transportation is directed to erect suitable markers designating Florencio "Kiko" Pernas Avenue as described in subsection (1).

Section 27. Dr. Oscar Elias Biscet Boulevard designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 972/S.W. 22nd Street between S.W. 32nd Avenue and S.W. 37th Avenue/Douglas Road in Miami-Dade County is designated as "Dr. Oscar Elias Biscet Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Dr. Oscar Elias Biscet Boulevard as described in subsection (1).

Section 28. Ivey Edward Cannon Memorial Bridge designated; Department of Transportation to erect suitable markers.—

(1) Bridge Numbers 100646 and 100647 on Paul S. Buchman Highway/State Road 39 between County Line Road and Half Mile Road in Hillsborough County are designated "Ivey Edward Cannon Memorial Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Ivey Edward Cannon Memorial Bridge as described in subsection (1).

Section 29. Samuel B. Love Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of Sunset Harbor Road between S.E. 105th Avenue and S.E. 115th Avenue in Marion County is designated as "Samuel B. Love Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Samuel B. Love Memorial Highway as described in subsection (1).

Section 30. Ben G. Watts Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. Highway 90/State Road 10 between the Holmes County line and the Jackson County line in Washington County is designated as "Ben G. Watts Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Ben G. Watts Highway as described in subsection (1).

Section 31. Purple Heart Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 20/John Sims Parkway (57-040-000) between State Road 85 and the Walton County line in Okaloosa County is designated as "Purple Heart Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating "Purple Heart Memorial Highway" as described in subsection (1).

Section 32. BRIGADA 2506 STREET, Carlos Rodriguez Santana designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. Highway 41/State Road 90/S.W. 8th Street/Tamiami Trail between S.W. 10th Avenue and State Road 933/S.W. 12th Avenue in Miami-Dade County is designated as "BRIGADA 2506 STREET, Carlos Rodriguez Santana."

(2) The Department of Transportation is directed to erect suitable markers designating BRIGADA 2506 STREET, Carlos Rodriguez Santana as described in subsection (1).

Section 33. Brett Fulton and Josh Burch Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. Highway 41/State Road 6/State Road 25 between the Madison County line and County Road 51 in Hamilton County is designated as "Brett Fulton and Josh Burch Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Brett Fulton and Josh Burch Memorial Highway as described in subsection (1).

Section 34. Deputy John C. Mecklenburg Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. Highway 41/State Road 45 between State Road 50 in Hernando County and State Road 52 in Pasco County is designated as "Deputy John C. Mecklenburg Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Deputy John C. Mecklenburg Memorial Highway as described in subsection (1).

Section 35. Hugh Anderson Boulevard designated; Department of Transportation to erect suitable markers.—

(1) That portion of Biscayne Boulevard from N.E. 88th Street to N.E. 105th Street in Miami Shores Village in Miami-Dade County is designated as "Hugh Anderson Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Hugh Anderson Boulevard as described in subsection (1).

Section 36. P.E. "Gene" Carpenter Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 679/Pinellas Bayway South from north of the Pedestrian Crossing to State Road 682/Pinellas Bayway South in Pinellas County is designated as "P.E. 'Gene' Carpenter Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the P.E. "Gene" Carpenter Memorial Highway as described in subsection (1).

Section 37. Verna Bell Way designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 200 between Lime Street and Beech Street in the City of Fernandina Beach in Nassau County is designated as "Verna Bell Way."

(2) The Department of Transportation is directed to erect suitable markers designating Verna Bell Way as described in subsection (1).

Section 38. Deputy Hal P. Croft and Deputy Ronald Jackson Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 100 East between the Bradford County line and the Columbia County line in Union County is designated as "Deputy Hal P. Croft and Deputy Ronald Jackson Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Deputy Hal P. Croft and Deputy Ronald Jackson Highway as described in subsection (1).

Section 39. Veterans' Parkway designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 22 between U.S. Highway 98 in the City of Springfield in Bay County and State Road 71 in the City of Wewahitchka in Gulf County is designated as "Veterans' Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating Veterans' Parkway as described in subsection (1).

Section 40. Elvin Martinez Road designated; Department of Transportation to erect suitable markers.—

(1) That portion of Tampa Bay Boulevard between Armenia Avenue and Himes Avenue in Hillsborough County is designated as "Elvin Martinez Road."

(2) The Department of Transportation is directed to erect suitable markers designating Elvin Martinez Road as described in subsection (1).

Section 41. Miami Medical Team Way designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 972/S.W. 22nd Street between S.W. 24th Avenue and State Road 9/S.W. 27th Avenue in Miami-Dade County is designated as "Miami Medical Team Way."

(2) The Department of Transportation is directed to erect suitable markers designating Miami Medical Team Way as described in subsection (1).

Section 42. Benjamin Leon, Jr., Way designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 9/27th Avenue between U.S. 1/State Road 5/South Dixie Highway and U.S. 441/State Road 7 in Miami-Dade County is designated as "Benjamin Leon, Jr., Way."

(2) The Department of Transportation is directed to erect suitable markers designating Benjamin Leon, Jr., Way as described in subsection (1).

Section 43. Reverend Max Salvador Avenue designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 9/S.W. 27th Avenue between U.S. Highway 41/State Road 90/S.W. 8th Street/Tamiami Trail and S.W. 13th Street in Miami-Dade County is designated as "Reverend Max Salvador Avenue."

(2) The Department of Transportation is directed to erect suitable markers designating Reverend Max Salvador Avenue as described in subsection (1).

Section 44. Aleida Leal Way designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 968/West Flagler Street between S.W. 39th Avenue and N.W. 37th Avenue in Miami-Dade County is designated as "Aleida Leal Way."

(2) The Department of Transportation is directed to erect suitable markers designating Aleida Leal Way as described in subsection (1).

Section 45. Mrs. Ann Carlton Bridge designated; Department of Transportation to erect suitable markers.—

(1) Bridge Number 870002 on U.S. Highway 1/State Road 5/Biscayne Boulevard between N.E. 77th Street and N.E. 78th Street crossing Little River Canal in Miami-Dade County is designated as "Mrs. Ann Carlton Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Mrs. Ann Carlton Bridge as described in subsection (1).

Section 46. Amadeo Lopez-Castro, Jr., Road designated; Department of Transportation to erect suitable markers.—

(1) That portion of S.W. 57th Avenue/Red Road between S.W. 78th Street and S.W. 88th Street/Kendall Drive in Miami-Dade County is designated as "Amadeo Lopez-Castro, Jr., Road."

(2) The Department of Transportation is directed to erect suitable markers designating Amadeo Lopez-Castro, Jr., Road as described in subsection (1).

Section 47. Pastor Marvin Gochenour Way designated; Department of Transportation to erect suitable markers.—

(1) That portion of Miller Road/S.W. 56th Street between S.W. 120th Avenue and S.W. 117th Avenue in Miami-Dade County is designated as "Pastor Marvin Gochenour Way."

(2) The Department of Transportation is directed to erect suitable markers designating Pastor Marvin Gochenour Way as described in subsection (1).

Section 48. Rev. Jorge Comesanas Way designated; Department of Transportation to erect suitable markers.—

(1) That portion of S.W. 87th Avenue between S.W. 8th Street and S.W. 24th Street in Miami-Dade County is designated as "Rev. Jorge Comesanas Way."

(2) The Department of Transportation is directed to erect suitable markers designating Rev. Jorge Comesanas Way as described in subsection (1).

Section 49. Alfred Lawson, Jr., Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. Highway 90/State Road 10/East Jefferson Street between State Road 12/State Road 65/Madison Street and County Road 159 in Gadsden County is designated as "Alfred Lawson, Jr., Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Alfred Lawson, Jr., Highway as described in subsection (1).

Section 50. Deputy Jack A. Romeis Road designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 26A in Alachua County between West University Avenue and S.W. 25th Street in Gainesville is designated as "Deputy Jack A. Romeis Road."

(2) The Department of Transportation is directed to erect suitable markers designating Deputy Jack A. Romeis Road as described in subsection (1).

Section 51. Creola Rutledge Parkway designated; Department of Transportation to erect suitable markers.—

(1) That portion of E. Cervantes Street/U.S. 90 in Escambia County between N. 6th Avenue and N. Davis Highway in Pensacola is designated as "Creola Rutledge Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating Creola Rutledge Parkway as described in subsection (1).

Section 52. Charles Modica, Sr., Hospitality Way designated; Department of Transportation to erect suitable markers.—

(1) That section of County Road 30A between County Road 283 to County Hwy 395 is designated as "Charles Modica, Sr., Hospitality Way."

(2) The Department of Transportation is directed to erect suitable markers designating Charles Modica, Sr., Hospitality Way as described in subsection (1).

Section 53. U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 513 between Banana River Drive and Eau Gallie Boulevard in Brevard County is designated as "U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway as described in subsection (1).

Section 54. U.S. Marine Corps Corporal Dustin Schrage Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road A1A between Pinetree Drive and Eau Gallie Boulevard in Brevard County is designated as "U.S. Marine Corps Corporal Dustin Schrage Highway."

(2) The Department of Transportation is directed to erect suitable markers designating U.S. Marine Corps Corporal Dustin Schrage Highway as described in subsection (1).

Section 55. Lourdes P. Aguila Street designated; Department of Transportation to erect suitable markers.—

(1) That portion of S.W. 12th Avenue from Coral Way to S.W. 16th Street in Miami-Dade County is designated as "Lourdes P. Aguila Street."

(2) The Department of Transportation is directed to erect suitable markers designating Lourdes P. Aguila Street as described in subsection (1).

Section 56. Section 24 of chapter 2010-230, Laws of Florida, is amended to read:

Section 24. Miss Lillie Williams Boulevard designated; Department of Transportation to erect suitable markers.—

(1) That portion of N.W. 79th Street between N.W. 6th Avenue and ~~N.W. 7th E. 12th~~ Avenue in Miami-Dade County is designated as "Miss Lillie Williams Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Miss Lillie Williams Boulevard as described in subsection (1).

Section 57. Section 45 of chapter 2010-230, Laws of Florida, is amended to read:

Section 45. Father Gerard Jean-Juste Street designated; Department of Transportation to erect suitable markers.—

(1) That portion of N.W. 54th Street in Miami-Dade County between N.W. 2nd Avenue and ~~N.E. N.W.~~ 3rd Avenue in Little Haiti is designated "Father Gerard Jean-Juste Street."

(2) The Department of Transportation is directed to erect suitable markers designating Father Gerard Jean-Juste Street as described in subsection (1).

Section 58. This act shall take effect July 1, 2012.

On motion by Rep. Drake, the House concurred in Senate Amendment 1.

The question recurred on the passage of **CS/HB 7039**. The vote was:

Session Vote Sequence: 1100

Speaker Cannon in the Chair.

Yeas—117

Abruzzo	Baxley	Brandes	Campbell
Adkins	Bembry	Brodeur	Cannon
Ahern	Berman	Broxson	Chestnut
Albritton	Bernard	Bullard	Clarke-Reed
Artiles	Bileca	Burgin	Clemens
Aubuchon	Boyd	Caldwell	Coley

Corcoran	Hooper	Pafford	Smith
Costello	Horner	Passidomo	Snyder
Crisafulli	Hudson	Patronis	Soto
Cruz	Hukill	Perman	Stafford
Davis	Ingram	Perry	Stargel
Diaz	Jenne	Pilon	Steube
Dorworth	Jones	Plakon	Taylor
Drake	Julien	Porter	Thompson, G.
Eisnaugle	Kiar	Porth	Thurston
Ford	Kreegel	Precourt	Tobia
Fresen	Kriseman	Proctor	Trujillo
Fullwood	Legg	Ray	Van Zant
Gaetz	Logan	Reed	Waldman
Garcia	Lopez-Cantera	Rehwinkel Vasilinda	Watson
Gibbons	Mayfield	Renuart	Weatherford
Glorioso	McBurney	Roberson, K.	Weinstein
Gonzalez	McKeel	Rogers	Williams, A.
Goodson	Metz	Rooney	Williams, T.
Grant	Moraitis	Rouson	Wood
Grimsley	Nehr	Sands	Workman
Hager	Nelson	Saunders	Young
Harrell	Núñez	Schenck	
Harrison	O'Toole	Schwartz	
Holder	Oliva	Slosberg	

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 245, with amendments, and requests the concurrence of the House.

Debbie Brown, Secretary

CS/CS/HB 245—A bill to be entitled An act relating to the depopulation programs of Citizens Property Insurance Corporation; amending s. 627.351, F.S.; providing that eligible surplus lines insurers may participate, in the same manner and on the same terms as an authorized insurer, in depopulation, take-out, or keep-out programs relating to policies removed from Citizens Property Insurance Corporation; providing certain exceptions, conditions, and requirements relating to such participation by a surplus lines insurer in the corporation's depopulation, take-out, or keep-out programs; authorizing information from underwriting files and confidential files to be released by the corporation to specified entities that are considering writing or underwriting risks insured by the corporation under certain circumstances; specifying that only the corporation's transfer of a policy file to an insurer, as opposed to the transfer of any file, changes the file's public record status; providing an effective date.

(Amendment Bar Code: 669766)

Senate Amendment 2—Delete lines 75 - 131

and insert:

under sub-subparagraph (b)3.c. ~~(b)3.d.~~, and assigned and pledged to or on behalf of the unit of local government for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the unit of local government shall not be pledged for the payment of such bonds.

3.a. The corporation shall adopt one or more programs subject to approval by the office for the reduction of both new and renewal writings in the corporation. Beginning January 1, 2008, any program the corporation adopts for the payment of bonuses to an insurer for each risk the insurer removes from the corporation shall comply with s. 627.3511(2) and may not exceed the amount referenced in s. 627.3511(2) for each risk removed. The corporation may consider any prudent and not unfairly discriminatory approach to reducing corporation writings, and may adopt a credit against assessment liability or other liability that provides an incentive for insurers to take risks out of the corporation and to keep risks out of the corporation by maintaining or increasing voluntary writings in counties or areas in which corporation risks

are highly concentrated and a program to provide a formula under which an insurer voluntarily taking risks out of the corporation by maintaining or increasing voluntary writings will be relieved wholly or partially from assessments under sub-subparagraph (b)3.a. ~~and b.~~ However, any "take-out bonus" or payment to an insurer must be conditioned on the property being insured for at least 5 years by the insurer, unless canceled or nonrenewed by the policyholder. If the policy is canceled or nonrenewed by the policyholder before the end of the 5-year period, the amount of the take-out bonus must be prorated for the time period the policy was insured. When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on such policy, and the insurer shall either:

(I) Pay to the producing agent of record of the policy, for the first year, an amount which is the greater of the insurer's usual and customary commission for the type of policy written or a policy fee equal to the usual and customary commission of the corporation; or

(II) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the insurer's usual and customary commission for the type of policy written. If the producing agent is unwilling or unable to accept appointment by the new insurer, the new insurer shall pay the agent in accordance with sub-subparagraph (I).

b. Any credit or exemption from regular assessments adopted under this subparagraph shall last no longer than the 3 years following the cancellation or expiration of the policy by the corporation. With the approval of the office, the board may extend such credits for an additional year if the insurer guarantees an additional year of renewability for all policies removed from the corporation, or for 2 additional years if the insurer guarantees 2 additional years of renewability for all policies so removed.

c. There shall be no credit, limitation, exemption, or deferment from emergency assessments to be collected from policyholders pursuant to sub-subparagraph (b)3.c. ~~(b)3.d.~~

(Amendment Bar Code: 354346)

Senate Amendment 3—Delete lines 146 - 148

and insert:

(II) In considering a surplus lines insurer's request for approval of its plan, the office must determine that the surplus lines insurer initially meets and, based on written proof submitted annually to the office by the insurer, continues to meet the following requirements:

(Amendment Bar Code: 434348)

Senate Amendment 6—Delete lines 191 - 193

and insert:

if different from sub-sub-sub-subparagraph (D);

(F) A copy of the United States trust account agreement, if applicable; and

(G) Written proof that it will not charge a higher premium for the first renewal offer of coverage than the then current approved rate charged by the corporation. As used in this sub-sub-subparagraph, the term "first renewal offer" means the date on which the policy is initially issued on the surplus lines insurer's policy form after the date of assumption.

(Amendment Bar Code: 355708)

Senate Amendment 8—Between lines 237 and 238

insert:

(VI) A policyholder who is selected for removal from the corporation by a surplus lines insurer shall be allowed to return to the corporation in order to obtain similar coverage at the approved rate as of the date of issuance of the policy to the returning policyholder.

(Amendment Bar Code: 749354)

Senate Amendment 9—Between lines 237 and 238

insert:

(VI) A surplus lines insurer removing policies in accordance with this subparagraph is subject to s. 20.121(2)(h)2. with respect to the policies so removed.

(Amendment Bar Code: 808192)

Senate Amendment 10—Between lines 237 and 238 insert:

(VI) A surplus lines broker representing a surplus lines insurer on a take-out program must maintain the required agent confirmation for as long as the policies remain within the surplus lines insurer. Such confirmation must be made available for inspection by the Department of Financial Services.

(Amendment Bar Code: 816218)

Senate Amendment 11—Between lines 237 and 238 insert:

(VI) If a surplus lines insurer increases the rate on any removed policyholder more than 10 percent above the rate the policyholder would have received had they remained in the corporation on the policy removal date, the surplus lines insurer must provide a notice on a separate page in at least 14-point type within the annual policy renewal notice as follows:

"THE RATES FOR THIS POLICY ARE NOT REGULATED BY ANY STATE AGENCY. YOU HAVE THE RIGHT TO RETURN TO CITIZENS PROPERTY INSURANCE COMPANY AT ANY TIME. PLEASE CONTACT YOUR AGENT FOR MORE INFORMATION."

(Amendment Bar Code: 772468)

Senate Amendment 12—Delete line 241 and insert:
sub-subparagraph (b)3.c. ~~(b)3.d.~~, if the office finds that payment of

(Amendment Bar Code: 770286)

Senate Amendment 13 (with directory and title amendments)—Delete lines 262 - 380.

===== DIRECTORY CLAUSE AMENDMENT =====

And the directory clause is amended as follows:

Delete lines 23 - 24

and insert:

Section 1. Paragraph (q) of subsection (6) of section 627.351, Florida Statutes, is amended to read:

===== TITLE AMENDMENT =====

And the title is amended as follows:

Delete lines 12 - 19

and insert:

programs; providing an effective date.

THE SPEAKER PRO TEMPORE IN THE CHAIR

THE SPEAKER IN THE CHAIR

On motion by Rep. Boyd, the House concurred in **Senate Amendments 2, 3, 6, 8, 9, 10, 11, 12, and 13.**

(Amendment Bar Code: 455938)

Senate Amendment 4—Delete lines 163 - 164 and insert:
and any additional notifications required by the office;

(E) Provides similar policy coverage; and
(F) After being informed by the insurance agent or broker of a difference between the existing policy and the new surplus lines policy, provides written proof that the policyholder has agreed in writing to the assumption of the

policy as evidenced by the execution by the insured of a form consenting to such assumption.

Rep. Boyd moved that the House refuse to concur in **Senate Amendment 4** and request the Senate to recede therefrom, which failed. The vote was:

Session Vote Sequence: 1101

Speaker Cannon in the Chair.

Yeas—52

Adkins	Eisnagle	Kreegel	Ray
Ahem	Ford	Mayfield	Renuart
Aubuchon	Gaetz	McKeel	Roberson, K.
Baxley	Glorioso	Metz	Rooney
Boyd	Grimsley	Moraitis	Stargel
Broxson	Hager	Nelson	Steube
Burgin	Harrison	Passidomo	Tobia
Cannon	Holder	Patronis	Van Zant
Coley	Hooper	Perry	Weatherford
Costello	Horner	Plakon	Weinstein
Crisafulli	Hudson	Porter	Wood
Dorworth	Hukill	Precourt	Workman
Drake	Ingram	Proctor	Young

Nays—63

Abruzzo	Cruz	Legg	Schenck
Albritton	Davis	Lopez-Cantera	Schwartz
Artiles	Diaz	McBurney	Slosberg
Bembry	Fresen	Nehr	Smith
Berman	Fullwood	Nuñez	Snyder
Bernard	Garcia	Oliva	Soto
Bileca	Gibbons	Pafford	Stafford
Brandes	Gonzalez	Perman	Taylor
Brodeur	Goodson	Pilon	Thompson, G.
Bullard	Grant	Porth	Thurston
Caldwell	Harrell	Reed	Trujillo
Campbell	Jenne	Rehwinkel	Vasilinda
Chestnut	Jones	Rogers	Waldman
Clarke-Reed	Julien	Rouson	Watson
Clemens	Kiar	Sands	Williams, A.
Corcoran	Kriseman	Saunders	Williams, T.

On motion by Rep. Boyd, further consideration of **CS/CS/HB 245** was temporarily postponed.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 1197, with 3 amendments, and requests the concurrence of the House.

Debbie Brown, Secretary

CS/HB 1197—A bill to be entitled An act relating to agriculture; amending s. 163.3162, F.S.; defining the term “governmental entity”; prohibiting certain governmental entities from charging stormwater management assessments or fees on certain bona fide farm operations except under certain circumstances; providing for applicability; conforming provisions; amending s. 479.11, F.S.; conforming provisions; amending s. 570.07, F.S.; revising the powers and duties of the Department of Agricultural and Consumer Services to enforce laws and rules relating to the use of commercial stock feeds; amending s. 580.036, F.S.; authorizing the department to adopt rules establishing certain standards for regulating commercial feed or feedstuff; requiring the department to consult with the Commercial Feed Technical Council in the development of such rules; amending s. 586.02, F.S.; defining the term “apiculture” for purposes of the Florida Honey Certification and Honeybee Law; conforming provisions; creating s. 586.055, F.S.; authorizing apiaries to be located on certain lands; amending s. 586.10, F.S.; providing for preemption to the state of authority to regulate, inspect, and permit managed honeybee colonies; providing that certain local government ordinances are

superseded; revising the powers and duties of the Department of Agriculture and Consumer Services relating to honey certification and honeybees; requiring the department to adopt rules and, before adopting certain rules, consult with local governments and other affected stakeholders; amending s. 599.004, F.S.; revising qualifications for a certified Florida Farm Winery; reenacting s. 561.24(5), F.S., relating to limitations on the issuance of wine distributor licenses and exporter registrations, to incorporate changes made by the act to s. 599.004, F.S., in a reference thereto; amending s. 604.50, F.S.; defining the term "farm sign"; providing an exemption from the Florida Building Code for farm signs; prohibiting farm signs located on public roads from violating certain standards; limiting the authority of local governments to enforce certain requirements with respect to farm signs; amending s. 823.14, F.S.; revising definitions relating to the Florida Right to Farm Act; limiting the conditions under which apiculture or the placement of apiaries may be deemed public or private nuisances; limiting the authority of local governments to regulate apiculture and the placement of apiaries on agricultural land; reenacting ss. 163.3163(3)(b), 193.461(5), 403.9337(4), 570.961(4), and 812.015(1)(g), F.S., relating to agricultural lands and practices, the Agricultural Land Acknowledgement Act, the classification and tax assessment of agricultural lands, an exemption from certain provisions related to the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes, provisions related to the promotion of agritourism, and penalties for retail or farm theft, respectively, to incorporate amendments made by the act to s. 823.14, F.S., in references thereto; providing an effective date.

(Amendment Bar Code: 277402)

Senate Amendment 1 (with title amendment)—Between lines 132 and 133 insert:

Section 2. Paragraph (c) of subsection (4) of section 206.41, Florida Statutes, is amended to read:

206.41 State taxes imposed on motor fuel.—

(4)

(c)1. Any person who uses any motor fuel for agricultural, aquacultural, commercial fishing, or commercial aviation purposes on which fuel the tax imposed by paragraph (1)(e), paragraph (1)(f), or paragraph (1)(g) has been paid is entitled to a refund of such tax.

2. For the purposes of this paragraph, "agricultural and aquacultural purposes" means motor fuel used in any tractor, vehicle, or other farm equipment which is used exclusively on a farm or for processing farm products on the farm, and no part of which fuel is used in any vehicle or equipment driven or operated upon the public highways of this state. This restriction does not apply to the movement of a farm vehicle, ~~or~~ farm equipment, citrus harvesting equipment, or citrus fruit loaders between farms. The transporting of bees by water and the operating of equipment used in the apiary of a beekeeper shall be also deemed an agricultural purpose.

3. For the purposes of this paragraph, "commercial fishing and aquacultural purposes" means motor fuel used in the operation of boats, vessels, or equipment used exclusively for the taking of fish, crayfish, oysters, shrimp, or sponges from salt or fresh waters under the jurisdiction of the state for resale to the public, and no part of which fuel is used in any vehicle or equipment driven or operated upon the highways of this state; however, the term may in no way be construed to include fuel used for sport or pleasure fishing.

4. For the purposes of this paragraph, "commercial aviation purposes" means motor fuel used in the operation of aviation ground support vehicles or equipment, no part of which fuel is used in any vehicle or equipment driven or operated upon the public highways of this state.

Section 3. Paragraph (a) of subsection (5) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT; AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

(a) Notwithstanding any other provisions of law, straight trucks, agricultural tractors, citrus harvesting equipment, citrus fruit loaders, and

cotton module movers, not exceeding 50 feet in length, or any combination of up to and including three implements of husbandry, including the towing power unit, and any single agricultural trailer with a load thereon or any agricultural implements attached to a towing power unit, or a self-propelled agricultural implement or an agricultural tractor, is authorized for the purpose of transporting peanuts, grains, soybeans, citrus, cotton, hay, straw, or other perishable farm products from their point of production to the first point of change of custody or of long-term storage, and for the purpose of returning to such point of production, or for the purpose of moving such tractors, movers, and implements from one point of agricultural production to another, by a person engaged in the production of any such product or custom hauler, if such vehicle or combination of vehicles otherwise complies with this section. The Department of Transportation may issue overlength permits for cotton module movers greater than 50 feet but not more than 55 feet in overall length. Such vehicles shall be operated in accordance with all safety requirements prescribed by law and rules of the Department of Transportation.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 8

and insert:

provisions; amending s. 206.41, F.S.; revising the definition of the term "agricultural and aquacultural purposes" for purposes of the required refund of state taxes imposed on motor fuel used for such purposes; amending s. 316.515, F.S.; revising the Florida Uniform Traffic Control Law to authorize the use of citrus harvesting equipment and citrus fruit loaders to transport certain agricultural products and to authorize the use of certain motor vehicles to transport citrus; amending s. 479.11, F.S.; conforming

(Amendment Bar Code: 570996)

Senate Amendment 2 (with title amendment)—Delete lines 320 - 321 and insert:

1. Produce or sell less than 250,000 gallons of wine annually of which 60 percent of the wine produced is made from state agricultural products.

(Amendment Bar Code: 303390)

Senate Amendment 3 (with title amendment)—Between lines 459 and 460

insert:

Section 17. Section 828.161, Florida Statutes, is repealed.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 61

and insert:

823.14, F.S.; in references thereto; repealing s. 828.161, F.S., relating to the prohibition of artificial dying or coloring of certain animals or fowl; providing an

On motion by Rep. Horner, the House concurred in **Senate Amendments 1, 2, and 3.**

The question recurred on the passage of **CS/HB 1197**. The vote was:

Session Vote Sequence: 1102

Speaker Cannon in the Chair.

Yeas—109

Adkins	Bernard	Burgin	Coley
Ahern	Bileca	Caldwell	Corcoran
Albritton	Boyd	Campbell	Costello
Artiles	Brandes	Cannon	Crisafulli
Aubuchon	Brodeur	Chestnut	Cruz
Baxley	Broxson	Clarke-Reed	Davis
Bembry	Bullard	Clemens	Diaz

Dorworth	Ingram	Patronis	Snyder
Drake	Jenne	Perman	Soto
Eisnangle	Jones	Perry	Stargel
Ford	Julien	Pilon	Steube
Fresen	Kiar	Plakon	Taylor
Gaetz	Kreegel	Porter	Thompson, G.
Garcia	Kriseman	Porth	Thurston
Gibbons	Legg	Precourt	Tobia
Glorioso	Logan	Proctor	Trujillo
Gonzalez	Lopez-Cantera	Ray	Van Zant
Goodson	Mayfield	Reed	Waldman
Grant	McBurney	Rehwinkel Vasilinda	Weatherford
Grimsley	McKeel	Renuart	Weinstein
Hager	Metz	Roberson, K.	Williams, A.
Harrell	Moraitis	Rooney	Williams, T.
Harrison	Nehr	Rouson	Wood
Holder	Nelson	Sands	Workman
Hooper	Nuñez	Saunders	Young
Homer	O'Toole	Schenck	
Hudson	Oliva	Schwartz	
Hukill	Passidomo	Smith	

Nays—5

Abruzzo	Pafford	Slosberg
Berman	Rogers	

Votes after roll call:

Yeas—Fullwood

Nays—Stafford, Watson

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

Moment of Silence

At the request of Rep. McBurney, the House observed a moment of silence for a shooting at a Episcopal School of Jacksonville that occurred earlier this afternoon.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7075, with 1 amendment, and requests the concurrence of the House.

Debbie Brown, Secretary

HB 7075—A bill to be entitled An act relating to military installations; amending s. 163.3175, F.S.; authorizing the Florida Defense Support Task Force to recommend to the Legislature specified changes in military installations and local governments under the Community Planning Act; clarifying and revising procedures related to exchange of information between military installations and local governments under the act; amending s. 288.972, F.S.; revising legislative intent with respect to proposed closure or reuse of military bases; amending s. 288.980, F.S.; creating the Military Base Protection Program within the Department of Economic Opportunity; providing for use of program funds; revising provisions relating to the award of grants for retention of military installations; revising a definition; eliminating the Florida Economic Reinvestment Initiative; establishing the Florida Defense Reinvestment Grant Program to be administered by the Department of Economic Opportunity; specifying purposes of the program; specifying activities for which grant awards may be provided; eliminating the Defense-Related Business Adjustment Program, the Florida Defense Planning Grant Program, the Florida Defense Implementation Grant Program, the Florida Military Installation Reuse Planning and Marketing Grant Program, and the Retention of Military Installations Program; transferring and reassigning the functions and responsibilities of the Florida Council on Military Base and Mission Support within the Department of Economic Opportunity to the Florida Defense Support Task Force within the Department of Economic Opportunity by type two transfer; repealing s. 288.984, F.S., which establishes the Florida Council on Military Base and

Mission Support and provides purposes thereof; amending s. 288.985, F.S.; conforming provisions relating to exempt records and meetings of the Council on Military Base and Mission Support; amending s. 288.987, F.S.; revising provisions relating to the Florida Defense Support Task Force, to conform; providing an effective date.

(Amendment Bar Code: 317296)

Senate Amendment 1 (with title amendment)—Delete lines 303 - 387 and insert:

Section 4. Effective upon this act becoming a law, the powers, duties, functions, records, personnel, property, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other funds of the Florida Council on Military Base and Mission Support within the Department of Economic Opportunity are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the Florida Defense Support Task Force within the Department of Economic Opportunity.

Section 5. Effective upon this act becoming a law, section 288.984, Florida Statutes, is repealed.

Section 6. Effective upon this act becoming a law, subsections (1) and (2) of section 288.985, Florida Statutes, are amended to read:

288.985 Exemptions from public records and public meetings requirements.—

(1) The following records held by the Florida Defense Support Task Force Council on Military Base and Mission Support are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) That portion of a record which relates to strengths and weaknesses of military installations or military missions in this state relative to the selection criteria for the realignment and closure of military bases and missions under any United States Department of Defense base realignment and closure process.

(b) That portion of a record which relates to strengths and weaknesses of military installations or military missions in other states or territories and the vulnerability of such installations or missions to base realignment or closure under the United States Department of Defense base realignment and closure process, and any agreements or proposals to relocate or realign military units and missions from other states or territories.

(c) That portion of a record which relates to the state's strategy to retain its military bases during any United States Department of Defense base realignment and closure process and any agreements or proposals to relocate or realign military units and missions.

(2) Meetings or portions of meetings of the Florida Defense Support Task Force Council on Military Base and Mission Support, or a workgroup of the task force council, at which records are presented or discussed which are exempt under subsection (1) are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

Section 7. Effective upon this act becoming a law, subsections (2), (5), (6), and (7) of section 288.987, Florida Statutes, are amended to read:

288.987 Florida Defense Support Task Force.—

(2) The mission of the task force is to make recommendations preserve and protect military installations to prepare the state to effectively compete in any federal base realignment and closure action; to support the state's position in research and development related to or arising out of military missions and contracting, and to improve the state's military-friendly environment for service members, military dependents, military retirees, and businesses that bring military and base-related jobs to the state.

(5) The executive director of Department of Economic Opportunity the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor, or his or her designee, shall serve as the ex officio, nonvoting executive director of the task force.

(6) ~~The chair shall schedule and conduct the first meeting of the task force by October 1, 2011.~~ The task force shall submit an annual a progress report and work plan ~~for the remainder of the 2011-2012 fiscal year~~ to the Governor, the President of the Senate, and the Speaker of the House of Representatives

by February 1, 2012, and shall submit an annual report each February 1 thereafter.

(7) The ~~department Office of Tourism, Trade, and Economic Development~~ shall contract with the task force for expenditure of appropriated funds, which may be used by the task force for economic and product research and development, joint planning with host communities to accommodate military missions and prevent base encroachment, advocacy on the state's behalf with federal civilian and military officials, assistance to school districts in providing a smooth transition for large numbers of additional military-related students, job training and placement for military spouses in communities with high proportions of active duty military personnel, and promotion of the state to military and related contractors and employers. The task force may annually spend up to \$200,000 of funds appropriated to the ~~department Executive Office of the Governor, Office of Tourism, Trade, and Economic Development~~, for the task force for staffing and administrative expenses of the task force, including travel and per diem costs incurred by task force members who are not otherwise eligible for state reimbursement.

Section 8. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2012.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:

Delete line 41
and insert:
Task Force, to conform; providing effective dates.

On motion by Rep. Workman, the House concurred in **Senate Amendment 1**.

The question recurred on the passage of **HB 7075**. The vote was:

Session Vote Sequence: 1103

Speaker Cannon in the Chair.

Yeas—116

Abruzzo	Diaz	Legg	Rogers
Adkins	Dorworth	Logan	Rooney
Ahern	Drake	Lopez-Cantera	Rouson
Albritton	Eisnaugle	Mayfield	Sands
Artiles	Ford	McBurney	Saunders
Aubuchon	Fresen	McKeel	Schenck
Baxley	Fullwood	Metz	Schwartz
Bembry	Gaetz	Moraitis	Slosberg
Berman	Gibbons	Nehr	Smith
Bernard	Glorioso	Nelson	Snyder
Bileca	Gonzalez	Núñez	Soto
Boyd	Goodson	O'Toole	Stafford
Brandes	Grant	Oliva	Stargel
Brodeur	Grimsley	Pafford	Steube
Broxson	Hager	Passidomo	Taylor
Bullard	Harrell	Patronis	Thompson, G.
Burgin	Harrison	Perman	Thurston
Caldwell	Holder	Perry	Tobia
Campbell	Hooper	Pilon	Trujillo
Cannon	Horne	Plakon	Van Zant
Chestnut	Hudson	Porter	Waldman
Clarke-Reed	Hukill	Porth	Watson
Clemens	Ingram	Precourt	Weatherford
Coley	Jenne	Proctor	Weinstein
Corcoran	Jones	Ray	Williams, A.
Costello	Julien	Reed	Williams, T.
Crisafulli	Kiar	Rehwinkel Vasilinda	Wood
Cruz	Kreegel	Renuart	Workman
Davis	Kriseman	Roberson, K.	Young

Nays—None

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

Motion to Adjourn

Rep. Weatherford moved that the House, after receiving reports, adjourn for the purpose of holding committee and subcommittee meetings and conducting other House business, to reconvene at 10:00 a.m., Wednesday, March 7, 2012, or upon call of the Chair. The motion was agreed to.

Messages from the Senate

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 309.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 387.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1193, by the required Constitutional two-thirds vote of all members present.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 4003.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 4027.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 4039.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 4139.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 4163.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 7003.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 7041.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7107.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Dean Cannon, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7121.

Debbie Brown, Secretary

The above bill was ordered enrolled.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Gibbons

Yeas—February 9: 709, 713, 716, 717; February 23: 860; March 2: 1038

Nays—February 9: 706, 707, 715

Rep. Glorioso

Yeas—March 2: 1031; March 5: 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093

Rep. Kriseman

Yeas—March 2: 1034, 1035, 1036, 1038, 1039, 1040

Nays—March 2: 1037

Yeas to Nays—February 23: 901

Rep. Rehwinkel-Vasilinda

Yeas—February 24: 904, 905, 908; February 29: 976

Nays—February 24: 906, 907; March 2: 1037

Rep. Rouson

Yeas—March 5: 1079, 1081

Rep. Sands

Yeas—February 23: 860; March 2: 1028, 1034, 1035, 1036, 1038, 1039, 1040

Nays—February 14: 732; March 2: 1025, 1026, 1027, 1030, 1031, 1033, 1037

Rep. A. Williams

Nays to Yeas—February 29: 985

Cosponsors

CS/HB 31—Corcoran

HJR 345—McBurney

CS/HB 413—Coley, Gibbons

CS/HB 469—Metz

HB 519—A. Williams

CS/HB 613—Metz

CS/CS/HB 751—Ahern, McBurney

CS/CS/HB 977—Young

CS/CS/CS/HB 1191—Brandes

CS/HB 1207—Nuñez, Ray

HM 1307—Pilon

CS/CS/CS/HB 1399—Rogers

HR 1447—Kiar

HB 7111—Young

CS/CS/HB 7117—Campbell, Clemens

Communications

*The Honorable Dean Cannon
Speaker, The Florida House of Representatives*

March 6, 2012

Dear Mr. Speaker:

In compliance with Article III, Section 19(d), Florida Constitution, and Joint Rule 2, the Budget Conference Committee Report on HB 5001 was electronically furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet.

The Conference Committee Report on HB 5001 was made available on Tuesday, March 6, 2012, at 4:22 p.m.

Respectfully submitted,
Robert L. "Bob" Ward
Clerk of the House

Excused

Reps. Frishe, Randolph

The following Conference Committee Managers were excused in order to conduct business with their Senate counterparts:

HB 5001, HB 5003, HB 5005, HB 5007, HB 5009, and HB 5011 to serve with Rep. Grimsley, Chair; At-Large: Reps. Aubuchon, Chestnut, Dorworth, Frishe, Holder, Hukill, Jones, Legg, Lopez-Cantera, McKeel, Sands, Saunders, Schenck, Snyder, and Weatherford; HB 5601 and SB 1986, House Agriculture & Natural Resources/Senate General Government—Rep. T. Williams, Chair, and Reps. Artiles, Bemby, Boyd, Crisafulli, Goodson, and Porter; CS/HB 843, HB 5501, HB 5503, HB 5505, HB 5507, CS/HB 5509, and HB 5511, House Government Operations/Senate General Government—Rep. Hooper, Chair, and Reps. Berman, Gibbons, Mayfield, Nelson, Patronis, Watson, and Weinstein; HB 5301, HB 5303, and SB 1990, House Health Care/Senate Health and Human Services—Rep. Hudson, Chair, and Reps. Baxley, Bileca, Corcoran, Cruz, Davis, Diaz, Pafford, Schwartz, Wood, and Young; HB 5201, CS/HB 5203, and SB 1994, House Higher

Education/Senate Higher Education—Rep. O'Toole, Chair, Rep. Proctor, Acting Co-Chair, Rep. Gonzalez, Acting Co-Chair, and Reps. Ahern, Bullard, Harrison, Nuñez, Oliva, Passidomo, Reed, Stargel, Taylor, Trujillo, and A. Williams; HB 5401, HB 5403, HB 5405, SB 1958, SB 1960, SB 1964, and SB 1968, House Justice/Senate Criminal and Civil Justice—Rep. Glorioso, Chair, and Reps. Eisnagle, Grant, Harrell, McBurney, Metz, Perry, Pilon, Rouson, Soto, and Waldman; HB 5101 and CS/HB 5103, House PreK-12/Senate Education PreK-12—Rep. Coley, Chair, and Reps. Adkins, Clarke-Reed, Fresen, Gaetz, Hager, Kiar, Logan, Smith, and Thompson; SB 1996 and SB 1998, House Transportation & Economic Development/Senate Transportation, Tourism and Economic Development—Rep. Horner, Chair, and Reps. Bernard, Brandes, Brodeur, Broxson, Burgin, Drake, Nehr, Rogers, and Workman; CS/CS/HB 87, CS/HB 737, HB 5701, HB 5703, and HB 7087, House Finance & Tax/Senate Finance and Tax—Rep. Precourt, Chair, and Reps. Albritton, Caldwell, Costello, Julien, Ray, Randolph, Rooney, Steube, and Thurston

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 3:12 p.m., to reconvene at 10:00 a.m., Wednesday, March 7, 2012, or upon call of the Chair.

CHAMBER ACTIONS ON BILLS

Tuesday, March 6, 2012

CS/HB	27 — Substituted CS/SB 226; Laid on Table, refer to CS/SB 226	HB	351 — Substituted SB 570; Laid on Table, refer to SB 570
CS/HB	31 — Refused to concur in 1 amendment(s); Amendment 521926 Refuse to Concur; Requested Senate to recede	CS for SB	364 — Read 2nd time; Substituted for CS/CS/HB 475; Amendment 982397 adopted; Placed on 3rd reading
CS/HB	75 — Substituted CS/SB 116; Laid on Table, refer to CS/SB 116	CS/CS/HB	367 — Substituted SB 524; Laid on Table, refer to SB 524
CS for SB	116 — Read 2nd time; Substituted for CS/HB 75; Placed on 3rd reading	SB	368 — Read 2nd time; Substituted for HB 7031; Placed on 3rd reading
HB	125 — Substituted SB 278; Laid on Table, refer to SB 278	SB	374 — Read 2nd time; Substituted for HB 539; Placed on 3rd reading
SB	140 — Read 2nd time; Substituted for HB 4019; Placed on 3rd reading	HB	395 — Substituted SB 326; Laid on Table, refer to SB 326
CS/CS/HB	181 — Substituted CS/CS/CS/SB 268; Laid on Table, refer to CS/CS/CS/SB 268	SB	436 — Read 2nd time; Substituted for HB 215; Placed on 3rd reading
CS/HB	183 — Substituted CS/SB 186; Laid on Table, refer to CS/SB 186	SB	446 — Read 2nd time; Substituted for HB 7019; Placed on 3rd reading
CS for SB	186 — Read 2nd time; Substituted for CS/HB 183; Placed on 3rd reading	CS/HB	469 — Substituted SB 276; Laid on Table, refer to SB 276
HB	215 — Substituted SB 436; Laid on Table, refer to SB 436	CS/CS/HB	475 — Substituted CS/SB 364; Laid on Table, refer to CS/SB 364
CS for SB	226 — Read 2nd time; Substituted for CS/HB 27; Placed on 3rd reading	CS/CS/HB	505 — Laid on Table, companion bill(s) passed, see CS/SB 1050.
HB	231 — Concurred in 3 amendment(s); Amendment 817216 Concur; Amendment 839212 Concur; Passed as amended; YEAS 115, NAYS 0; Amendment 107734 Concur	HB	519 — Substituted SB 608; Laid on Table, refer to SB 608
CS/CS/HB	245 — Concurred in 9 amendment(s); Amendment 669766 Concur; Amendment 354346 Concur; Amendment 434348 Concur; Amendment 355708 Concur; Amendment 749354 Concur; Amendment 808192 Concur; Amendment 816218 Concur; Amendment 772468 Concur; Amendment 770286 Concur; Temporarily postponed	SB	520 — Read 2nd time; Substituted for HB 4049; Placed on 3rd reading
CS for CS for CS for SB	268 — Read 2nd time; Substituted for CS/CS/HB 181; Placed on 3rd reading	SB	524 — Read 2nd time; Substituted for CS/CS/HB 367; Amendment 603303 adopted; Placed on 3rd reading
SB	276 — Read 2nd time; Substituted for CS/HB 469; Placed on 3rd reading	CS/CS/HB	529 — Substituted CS/CS/CS/SB 694; Laid on Table, refer to CS/CS/CS/SB 694
SB	278 — Read 2nd time; Substituted for HB 125; Placed on 3rd reading	HB	539 — Substituted SB 374; Laid on Table, refer to SB 374
SB	326 — Read 2nd time; Substituted for HB 395; Placed on 3rd reading	CS/CS/HB	565 — Read 3rd time; Amendment 471359 adopted; CS passed as amended; YEAS 82, NAYS 35
		SB	570 — Read 2nd time; Substituted for HB 351; Placed on 3rd reading
		SB	608 — Read 2nd time; Substituted for HB 519; Placed on 3rd reading
		CS/HB	613 — Substituted SB 792; Laid on Table, refer to SB 792

SB	638 — Read 2nd time; Substituted for HB 4073; Placed on 3rd reading	HB	1105 — Substituted CS/SB 924; Laid on Table, refer to CS/SB 924
CS/CS/HB	657 — Substituted CS/SB 1856; Laid on Table, refer to CS/SB 1856	CS/HB	1197 — Concurred in 3 amendment(s); Amendment 277402 Concur; CS passed as amended; YEAS 109, NAYS 5; Amendment 570996 Concur; Amendment 303390 Concur
CS for SB	692 — Read 2nd time; Substituted for HB 7001; Amendment 204623 adopted; Placed on 3rd reading	CS/CS/HB	1319 — Substituted CS/SB 800; Laid on Table, refer to CS/SB 800
CS for CS for CS for SB	694 — Read 2nd time; Substituted for CS/CS/HB 529; Placed on 3rd reading; Amendment 854775 adopted	CS/HB	1465 — Substituted SB 878; Laid on Table, refer to SB 878
CS/HB	727 — Substituted CS/SB 730; Laid on Table, refer to CS/SB 730	SB	1724 — Read 2nd time; Substituted for HB 4029; Placed on 3rd reading
CS for SB	730 — Read 2nd time; Substituted for CS/HB 727; Amendment 974191 Failed; Amendment 564355 Failed; Amendment 173059 adopted; Placed on 3rd reading	CS for SB	1856 — Read 2nd time; Substituted for CS/CS/HB 657; Placed on 3rd reading
SB	792 — Read 2nd time; Substituted for CS/HB 613; Placed on 3rd reading	SB	2058 — Read 2nd time; Placed on 3rd reading
CS for SB	800 — Read 2nd time; Substituted for CS/CS/HB 1319; Amendment 831651 adopted; Placed on 3rd reading	HB	4019 — Substituted SB 140; Laid on Table, refer to SB 140
CS/HB	823 — Laid on Table, companion bill(s) passed, see CS/SB 1050.	HB	4029 — Substituted SB 1724; Laid on Table, refer to SB 1724
HB	851 — Substituted SB 990; Laid on Table, refer to SB 990	HB	4049 — Substituted SB 520; Laid on Table, refer to SB 520
CS/CS/CS/HB	859 — Temporarily postponed, on 3rd Reading	HB	4073 — Substituted SB 638; Laid on Table, refer to SB 638
SB	878 — Read 2nd time; Substituted for CS/HB 1465; Placed on 3rd reading	HB	7001 — Substituted CS/SB 692; Laid on Table, refer to CS/SB 692
CS for CS for SB	922 — Read 2nd time; Substituted for CS/CS/HB 977; Amendment 423155 adopted; Placed on 3rd reading	HB	7019 — Substituted SB 446; Laid on Table, refer to SB 446
CS for SB	924 — Read 2nd time; Substituted for HB 1105; Placed on 3rd reading	HB	7031 — Substituted SB 368; Laid on Table, refer to SB 368
CS/CS/HB	977 — Substituted CS/CS/SB 922; Laid on Table, refer to CS/CS/SB 922	CS/HB	7039 — Concurred in 1 amendment(s); Amendment 317754 Concur; CS passed as amended; YEAS 117, NAYS 0
SB	990 — Read 2nd time; Substituted for HB 851; Placed on 3rd reading	CS/CS/HB	7063 — Read 3rd time; CS passed; YEAS 100, NAYS 16
CS for SB	1050 — Read 2nd time; Placed on 3rd reading	HB	7075 — Concurred in 1 amendment(s); Amendment 317296 Concur; Passed as amended; YEAS 116, NAYS 0

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March 6, 2012

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